

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 477 – SB 583

March 4, 2014

SUMMARY OF ORIGINAL BILL: Authorizes a court to place a no contact order on a child found to be delinquent prohibiting the child from contacting the victim of the delinquent act. If the court enters a no contact order and the child and the victim of the child's delinquent act attend the same school, then the court is required to send a copy of the order return receipt requested to the principal of the school. The child is not to be permitted to attend the same school that the victim attends unless the victim and the victim's parents consent in writing to the child's return to school. The child's principal, the director of schools for the district in which the child attends school, and the child's parents shall determine an appropriate alternative school for the child to attend during the duration of the no contact order if the victim and the victim's parents do not consent to the child's return; provided, that the child cannot be delayed from attending school for more than five school days. The director of schools must permit the victim to attend a different school within the local education agency (LEA) and allow the child who committed the delinquent act to return to the child's previous school at the request of the victim and the victim's parents.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013459): Deletes all language after the enacting clause. Grants the court broad discretion in conjunction with representatives from the LEA to change the educational assignment of a juvenile who is adjudicated delinquent for certain criminal offenses and is not committed to the custody of the Department of Children's Services. Establishes a presumption in favor of the court issuing an order prohibiting the juvenile from attending the same educational placement as the victim. Grants the court discretion to determine how best to restrict future contact of the defendant with the victim while the victim is at school or in other public settings.

Requires the LEA to provide a list of alternatives to attendance at the school which the victim attends. Authorizes the school resource officer to assist school officials in the enforcement of orders issued by the court and to be made fully aware of the confidential nature of any order and the student's educational assignment. Grants the court discretionary authority to enter orders that provide sanctions for an offense and, in consultation with school officials, limitations or conditions on attendance at school for a delinquent act that is not specifically included in the provisions of the bill.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- If a child found to be delinquent is ordered to attend a different school than the victim but the school is within the same district, then state and local education funding for the child will not change.
- The administrative time associated with adjusting class schedules and extracurricular activities and notifying the court of any violation can be accommodated within the LEA's existing resources.
- The fiscal impact of the bill on state and local education funding will be not significant.
- According to the Department of Education, if the court were to order homebound placement, the LEA would have to provide a homebound teacher. It is unknown how often this may occur but it is estimated to be minimal. Any cost is estimated to be not significant.
- According to the Administrative Office of the Courts, any increase in caseloads resulting from the bill can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/kml