

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1982 - SB 2177**

March 7, 2014

**SUMMARY OF BILL:** Authorizes a homeowner's association, neighborhood association, neighborhood watch, or any organized group of citizens that reside within a residential area to seek an order of protection to prohibit an offender convicted of three or more separate offenses of theft, burglary, rape, or criminal homicide from entering the boundaries of the residential area. The order of protection will remain in effect until the issuing court modifies or dissolves it.

**ESTIMATED FISCAL IMPACT:**

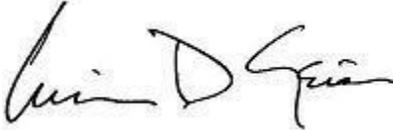
**Other Fiscal Impact – Due to multiple unknown variables, a precise fiscal impact to local government is indeterminable.**

Assumptions:

- According to the Secretary of State, there are currently 3,365 active homeowner's associations.
- The provisions of the bill authorize such associations to seek an order of protection pursuant to Tenn. Code Ann. Title 36, Chapter 3, Part 6.
- Pursuant to Tenn. Code Ann. § 36-3-617, victims of domestic violence, stalking, or sexual assault shall not be required to bear the costs, including court costs, filing fees, litigation taxes or any other costs associated with the filing of the order of protection. If the order of protection is awarded, all fees are assessed against the respondent.
- Under current law if the court rules against issuance of an order of protection, the court may assess all court costs, filing fees, litigation taxes, and attorney fees against the petitioner if the court determines the petitioner is not a victim of domestic violence, stalking, or sexual assault.
- According to Court Clerks, fees associated with the filing of an order of protection are not assessed at the time of filing, however, they are assessed against the petitioner in the event the court determines an order of protection should not be issued.
- Due to multiple unknown variables, such as how many organizations will file orders of protection, how many orders of protection will be granted, the extent of any fees assessed for non-issuance of an order of protection, the extent of respondents of such orders will adhere to the provisions of the order, and the extent of any involvement of local law enforcement due to noncompliance with the order of protection, a precise fiscal impact to local government is indeterminable.

**CERTIFICATION:**

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



Lucian D. Geise, Executive Director

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