

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**SB 1952 - HB 1902**

April 2, 2014

**SUMMARY OF BILL:** Requires a bail bond to remain in effect during the time between disposition of a criminal case and sentencing by the court. Prohibits forfeiture of a bail bond against the surety during the time between a conviction or guilty plea and sentencing by the court.

**ESTIMATED FISCAL IMPACT:**

On February 24, 2014, a fiscal note was issued estimating the fiscal impact as follows:

Other Fiscal Impact – The proposed legislation will likely result in increased incarceration costs based on courts remanding a defendant into custody after a conviction or a guilty plea because at that time, there will be no forfeitable bond. Fiscal Review does not have sufficient information to estimate the increase in state or local expenditures of additional incarceration costs for the time period between a defendant's conviction or guilty plea and sentencing, but the average cost per day to house an offender in state custody is \$66.29 and in local custody is \$60.50.

Upon further review, this impact was in error. The estimated fiscal impact is:

**(CORRECTED)**

**NOT SIGNIFICANT**

Assumptions:

- Under current law, any defendant who pleads guilty to or is convicted of a criminal offense is remanded into custody upon such plea or conviction, even if the defendant had previously been released on bail.
- The proposed legislation would remain in effect after a guilty plea or conviction, allowing a judge to permit the continued release of the defendant. However, the proposed legislation would prohibit forfeiture of the bond so the bail bondsman will not lose the monies posted as bond even if the defendant does not appear for sentencing.
- Accordingly, the bail bondsman has no obligation to ensure that the defendant attends the sentencing hearing.

**SB 1952 - HB 1902 (CORRECTED)**

- It is assumed that the courts will not release guilty offenders without the assurance that the defendant will attend the sentencing hearing, as an offender is most likely to flee after conviction.
- The proposed legislation will not significantly impact the State or local governments.

**CERTIFICATION:**

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

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm