

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2098 – SB 2444

March 21, 2016

SUMMARY OF ORIGINAL BILL: Creates the TN Sobriety program which requires defendants charged with certain specified alcohol-related driving offenses, including but not limited to driving under the influence (DUI), to submit twice daily to sobriety testing as a condition of bond.

The TN Sobriety program shall be administered by the local sheriff's department for the county in which the defendant resides, but permits the sheriff's office to designate an entity willing to provide the service if the sheriff is unwilling or unable to participate. States that if the defendant has a blood alcohol level of 0.02 percent at the time of any sobriety test, the person who is performing the sobriety test shall immediately notify the court that granted the bond of the test results and take the defendant into custody for violating a condition of bond.

Requires the Peace Officer Standards Training (POST) Commission to establish a fee to cover the reasonable costs for sheriffs administering the program.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue – Exceeds \$1,000,000

Increase Local Expenditures– Exceeds \$1,000,000*

SUMMARY OF AMENDMENT (014449): Deletes all language of the original bill. Mandates the court to require a transdermal monitoring device or other alternative alcohol monitoring device to insure sobriety as a condition of bail for repeat DUI offenders and for certain vehicular assault and vehicular homicide offenses. Allows indigent persons to be awarded a maximum of \$200 per month from the DUI Monitoring Fund established by Tenn. Code Ann. § 55-10-419 to cover costs associated with the provisions of the bill.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$96,000/DUI Monitoring Fund

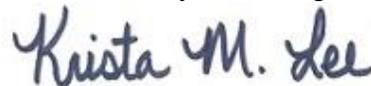
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Assumptions for the bill as amended:

- Judges are currently authorized to order the use of a transdermal monitoring device as a condition of bail, Tenn. Code Ann. § 40-11-148.
- A third party contract would be required for the transdermal monitoring devices and actual monitoring of the devices. According to information from the United States Department of Transportation and the Traffic Injury Research Foundation, there is usually an activation fee, a daily charge for monitoring the device, and a deactivation fee.
- The fees for transdermal monitoring devices are approximately \$75 each for activation and deactivation, and daily monitoring charges of approximately \$12 per day.
- The total cost related to a transdermal monitoring device is estimated to be \$4,530 per year per person [\$75 activation + \$75 deactivation + (\$12 monitoring x 365 days)].
- The monthly cost is estimated to be \$377.50 (\$4,530 / 12 months).
- Given the average monthly cost for a transdermal monitoring device is estimated to be \$377.50, and such is more than \$200 funding limitation imposed pursuant to the bill as amended, the entire allotment will be utilized each case under the provisions of the bill as amended.
- Based on information provided by the Department of Treasury, 200 people each year will be assigned a transdermal monitoring device. It is estimated that approximately 20 percent of those (or 40 individuals) will be declared indigent and will require funding assistance.
- The average length of time a judge will order a person to wear a transdermal monitoring device is not known. For purposes of this fiscal memorandum, it is assumed an average of 40 individuals will be required to wear a transdermal monitoring device at any given time.
- It is assumed funding to pay for the costs of transdermal monitoring devices for indigents will be paid from a newly-created DUI Monitoring Fund. No such fund exists under current law.
- The recurring increase in state expenditures from the DUI Monitoring Fund is estimated to be \$96,000 (40 individuals x \$200 monthly cost x 12 months).

CERTIFICATION:

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



Krista M. Lee, Executive Director

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