

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 203 – SB 637

April 1, 2016

SUMMARY OF ORIGINAL BILL: Redefines “reasonable conditions” relative to judicial diversion to include a requirement that a qualified defendant serve a period of confinement, either by split confinement or periodic confinement, up to 11 months 29 days in a local jail or workhouse.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures – \$1,070,100/Incarceration*

SUMMARY OF AMENDMENT (015223): Deletes and rewrites the bill such that the only substantive change is to limit the period of confinement to 30 days and require the period of confinement to be continuous rather than permit split confinement.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Expenditures – \$498,600/Incarceration*

Assumptions for the bill as amended:

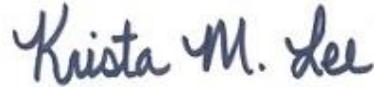
- Under current law, “reasonable conditions” does not include confinement. The bill as amended would allow judges to require a qualified defendant to serve up to 30 days in a local jail or workhouse.
- Statistics from the Tennessee Bureau of Investigation show that there has been an average of 2,774.6 judicial diversions granted each year. These diversions are for misdemeanor and felony cases.
- It is assumed that 10 percent (277.46) of the judicial diversions will be required to serve some time in confinement. It is assumed that the average time served will be 30 days.
- The estimated 2016 cost per inmate per day for local jails is \$60.00.
- Each qualified defendant will cost \$1,800 (30 days x \$60.00). The increase in local expenditures for 277 defendants is \$498,600 (\$1,800 x 277).
- The bill as amended will not generate any new cases as it only deals with diversion requirements.

- The Administrative Office of the Courts, the District Attorneys General Conference, and District Public Defenders Conference confirm that the legislation will not significantly impact their operations so as to require any additional appropriations.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

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

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm