

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 203 - SB 637

February 28, 2015

SUMMARY OF 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.

ESTIMATED FISCAL IMPACT:

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

Assumptions:

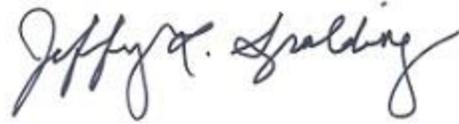
- Under current law, “reasonable conditions” does not include confinement. The bill would allow judges to require a qualified defendant to serve up to 11 months and 29 days in a local jail or workhouse.
- Statistics from the Tennessee Bureau of Investigation show that there has been an average of 2,774.6 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 between the felony and misdemeanor cases, the average time served will be 60 days. This is likely to be served in split confinement—for example, five days per month for a year.
- The estimated 2015 cost per inmate per day for local jails is \$64.39.
- Each qualified defendant will cost \$3,863 (60 days x \$64.39). The cost for 277 defendants is \$1,070,051 (\$3,863 x 277).
- The bill 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 bill 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.

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Jeffrey L. Spalding, Executive Director

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