

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1428 - SB 1675

January 26, 2016

SUMMARY OF BILL: Requires a court to prescribe a global position monitoring system device (GPS monitor) as a condition of bail for any defendant arrested for the offense of stalking, aggravated stalking, or especially aggravated stalking; for any offense in which the victim is a domestic abuse victim, a sexual abuse victim, or a stalking victim; or for a violation of an order of protection under Tenn. Code Ann., Title 36, Chapter 3, Part 6.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$4,715,300*

Assumptions:

- Under current law, a court has discretion in prescribing GPS monitoring as a condition of bail for defendants arrested for stalking, aggravated stalking, especially aggravated stalking, offenses in which the victim is a domestic abuse victim, a sexual abuse victim, or a stalking victim, and a violation of an order of protection. The bill would require the condition in these cases. Further, the bill does not contain a provision allowing a court to not prescribe GPS monitoring if a defendant is indigent. Therefore, local governments will be responsible for the cost of GPS monitoring in cases where the defendant is found indigent by the court.
- Statistics from the Administrative Office of the Courts (AOC) and statistical reports of the Tennessee Bureau of Investigation indicate that there are approximately 25,871 arrests for stalking, aggravated stalking, especially aggravated stalking, and offenses for which the victim is a domestic abuse victim, sexual abuse victim, or stalking victim.
- The bill would require these defendants to wear a GPS monitor if they are granted bail.
- It is assumed that 75 percent ($25,871 \times 0.75 = 19,403.25$) receive bail. It is assumed that a court prescribes GPS monitoring in 10 percent ($19,403.25 \times 0.1 = 1,940.33$) of those receiving bail under current law.
- The bill will require 17,463 ($19,403.25 - 1,940.33 = 17,462.92$) defendants per year to wear a GPS monitor as a condition of bail.
- Statistics from the U.S. Department of Justice's Bureau of Justice Statistics show a national indigence rate of more than 70 percent. It is assumed for purposes of this note that at least 50 percent ($17,463 \times 0.5 = 8,731.5$) of the 17,463 defendants will be found indigent. A court can require a defendant perform community service in lieu of paying

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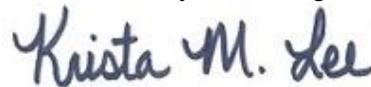
the cost of GPS monitoring if the defendant is indigent, but local governments will still be responsible for the cost of GPS monitoring.

- It is assumed that 50 percent ($8,732 \times 0.5 = 4,366$) of the indigent defendants will be able to pay half of the cost of GPS monitoring and that 50 percent ($8,732 \times 0.5 = 4,366$) will not be able to provide any contribution to the cost of GPS monitoring.
- The offenses involved range from aggravated rape, a Class A felony, to simple assault, a Class A misdemeanor. On average, felony cases take much longer to dispose of than misdemeanor cases. Thus, some defendants will spend several months on bail, and some only a few days. It is assumed that the average defendant impacted by this bill will spend 20 days on bail and be subject to GPS monitoring.
- The bill will increase local expenditures by no less than \$4,715,280 [(4,366 indigent defendants contributing half the cost x 20 days x \$18 per day for some indigent defendants) + (4,366 indigent defendants making no contribution x 20 days x \$36 per day)].
- The bill does not create any new cases. It is assumed that the courts, district attorneys, and public defenders can handle any impact to their operations within their existing resources.
- The AOC, District Attorneys General Conference, and the District Public Defenders Conference confirm that they can handle the impact within their existing resources.

*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.



Krista M. Lee, Executive Director

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