

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1467 – SB1488

February 1, 2016

SUMMARY OF BILL: Authorizes sheriffs and constables to demand and receive the entire fee for a service of process if the attempted service of process is unsuccessful, provided the service of process is attempted in accordance with state law.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Local government funding collected from third parties for process servings will shift from court clerks to sheriffs or constables within jurisdictions. The net fiscal impact to any one local jurisdiction is considered not significant.

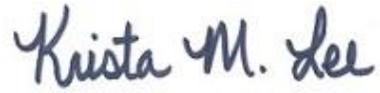
Assumptions:

- This bill is only applicable to local government. No fiscal impact to state government.
- Services issued by a clerk for general sessions, criminal, circuit, chancery or other court are funded through filing fees collected by the court, generally from a third-party attorney's office or other non-governmental entity. When issuing a summons, court clerks pay sheriffs and constables with the funds acquired from the filing fees.
- The court filing fee is collected by the court clerk prior to the issue of service.
- Pursuant to Tenn. Code Ann. § 8-21-901(D), sheriffs or constables collect a fee of \$9.00 for each unsuccessful service attempt and collect a higher fee for each successful service. Fees for successful process services are tiered, dependent upon the method of service delivery.
- Sheriffs and constables are assumed to demand and receive the entire fee for all services of process pursuant to the provisions of this bill.
- Under the provisions of the bill, sheriffs or constables will collect the highest possible fee for each service attempt regardless of success; the amount of which will be based on the current statutory fee system. This will lead to a shift in fee revenue from one county budget account (court clerks) to another county budget account (sheriffs or constables), but the net impact within any jurisdiction would be zero.
- No change in overall budget expenditures or revenue for local governments.

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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

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