

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1752 - SB 1896

February 7, 2016

SUMMARY OF BILL: Requires judges entering an order of dismissal or nolle prosequi to ask the defendant if the defendant would like his or her public records associated with the criminal charges removed and destroyed, or expunged. If the defendant makes the request, the court must order the records expunged. If the defendant does not make the request, but later wants the records expunged, then the defendant must follow the existing petition procedure for expunging records.

Requires public records associated with a dismissal, no true bill, or nolle prosequi to be automatically expunged two years from the date of entry of the dismissal, no true bill, or nolle prosequi.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$19,600/One-Time
\$140,600/Recurring**

**Increase Local Expenditures – \$4,100/One-Time*
\$2,375,000/Recurring***

Assumptions:

- Reports from the Administrative Office of the Courts (AOC) indicate an average of 63,631 dismissal and nolle prosequi orders entered each year from FY09-10 to FY13-14.
- Under the bill, a defendant in each of those matters could ask the judge to have the defendant's records associated with the dismissal/nolle prosequi expunged, but even if the defendant did not request, and the judge did not order, the records expunged, the records must be expunged two years from the date the dismissal, no true bill, or nolle prosequi was entered.
- The bill will require court clerks to track dismissal, no true bill, and nolle prosequi matters and notify the court when two years have elapsed. Court clerks using the Tennessee Court Information System (TnCIS) will need to update TnCIS to track these matters. The TnCIS vendor charges \$100.00 per hour. The modification will require approximately 40.5 hours; thus, the mandatory one-time increase in local expenditures is estimated to be \$4,050 (\$100 x 40.5 hours).
- The court clerks will also have to locate and gather records before expungement. This will require additional court clerk staff.

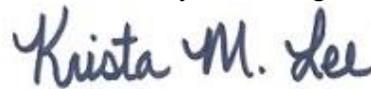
HB 1752 - SB 1896

- It is assumed that each court clerk (95 court clerks) will require one additional staff position to handle the additional workload. It is further assumed that each staff person will result in \$25,000 in recurring expenditures; thus, the mandatory and recurring increase in local expenditures is estimated to be \$2,375,000 (95 court clerks x 1 position x \$25,000).
- The court clerks will notify the Tennessee Bureau of Investigation (TBI) of the necessary expungements. The TBI will require additional criminal history examiners to handle the additional workload.
- It is assumed that a criminal history examiner can process 62.5 expungement requests per day. It is further assumed that each criminal history examiner will work 250 days per year. Each criminal history examiner can process 15,625 expungement requests per year (62.5 requests per day x 250 days).
- The TBI will require four additional criminal history examiners (63,631 / 15,625).
- A criminal history examiner receives a base salary of \$21,204. As a result, the recurring increase in state expenditures is estimated to be \$130,230.51 {[\$21,204 + (\$21,204 x 0.1503 benefits) + (\$21,204 x 0.0765 FICA) + \$6,544.56 insurance] x 4}.
- Each criminal history examiner will require \$2,600 in supplies each year; a recurring increase in state expenditures estimated to be \$10,400 (\$2,600 x 4).
- Each criminal history examiner will require \$4,900 in one-time expenditures for office furniture, computer, phone, and other related expenses; a total one-time increase in state expenditures estimated to be \$19,600 (\$4,900 x 4).
- The total recurring increase in state expenditures is \$140,630.51 (\$130,230.51 + \$10,400).

*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

/trm