

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2098 – SB 2444**

March 4, 2016

**SUMMARY OF BILL:** Creates the TN Sobriety program which requires defendants charged with certain specified alcohol-related driving offenses, including but not limited to driving under the influence (DUI), to submit twice daily to sobriety testing as a condition of bond.

The TN Sobriety program shall be administered by the local sheriff's department for the county in which the defendant resides, but permits the sheriff's office to designate an entity willing to provide the service if the sheriff is unwilling or unable to participate. States that if the defendant has a blood alcohol level of 0.02 percent at the time of any sobriety test, the person who is performing the sobriety test shall immediately notify the court that granted the bond of the test results and take the defendant into custody for violating a condition of bond.

Requires the Peace Officer Standards Training (POST) Commission to establish a fee to cover the reasonable costs for sheriffs administering the program.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Revenue – Exceeds \$1,000,000**

**Increase Local Expenditures– Exceeds \$1,000,000\***

Assumptions:

- It is assumed sheriff departments statewide will administer the program.
- Based on DUI statistics provided by the Department of Safety, a minimum of 4,500 offenders will qualify for the TN Sobriety program annually.
- It is assumed the five most populous counties in the state will each require a minimum of two additional sheriff's deputies to administer the program given that individuals will have to be tested every 12 hours on average. It is further assumed that a minimum of 20 additional sheriff's deputies will be required in the remaining counties to administer the program. The total increase in positions for local sheriff departments to administer the program is estimated to exceed 30 [(5 most populous counties x 2) + 20] remaining counties].
- The average expenditure for salary, benefits, training, and supplies for a sheriff's deputy is estimated to exceed \$30,000 annually.

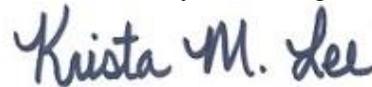
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- The recurring increase in local expenditures for positions is estimated to exceed \$900,000 (30 x \$30,000).
- The recurring expenses for various supplies to administer the program, as well as taking individuals into local custody that would be held without bond as the result of a failed sobriety test is unknown, but is reasonably estimated to exceed \$100,000 per year statewide.
- The total mandatory and recurring increase in local expenditures is estimated to exceed \$1,000,000 (\$900,000 + \$100,000).
- The provisions of the bill require a fee to be levied on participants of the program which are sufficient for covering all costs related to the program. The recurring increase in local revenue is reasonably estimated to exceed the \$1,000,000.

\*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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