

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 711 - HB 854

March 20, 2015

**SUMMARY OF BILL:** Establishes a Veterans Treatment Court Program (VTCP) and a VTCP Resources Fund to be administered by the Department of Mental Health and Substance Abuse Services (DMHSAS). Requires all VTCPs to be established and operated according to specified key components as adopted by the National Clearinghouse for Veterans Treatment Courts at the National Association of Drug Court Professionals. Revises the disposition of fines pursuant to Tenn. Code Ann. § 55-10-412 to include proceeds from the dedicated portion of the fines for the conviction of any other controlled substance arrest in addition to the fines for driving under the influence (DUI) of an intoxicant to be used by the county for the creation and maintenance of VTCP or Drug Court Treatment Programs (DCPT), or both. In the event no VTCP and no DCTP operates in a county, the proceeds from that county shall be remitted annually to the State to be placed in either the VTCP fund or the DCTP fund.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – The fiscal impact of the proposed legislation cannot be determined due to various unknown factors. Current programs funded pursuant to Tenn. Code Ann. § 55-10-412 will see a reduction in the amount of money that is available as these funds would now be remitted to the state for the purpose of creating and maintaining Veterans Treatment Court Programs or Drug Court Treatment Programs rather than remaining in the county.**

Assumptions:

- The funds impacted by this bill are the increased portion of the fines pursuant to Tenn. Code Ann. § 55-10-412. Those amounts are the first \$100 collected after the initial collection of \$250 on a first offense, the first \$100 collected after the initial collection of \$500 on a second offense, and the first \$100 collected after the initial collection of \$1,000 on a third or subsequent offense.
- Under current law, counties are authorized to expend those funds by appropriations to any of the following: alcohol, drug, and mental health treatment facilities licensed by the DMHSAS; metropolitan drug commissions or other similar programs sanctioned by the Governor's Drug Free Tennessee program for the purposes of Chapter 948 of the Public Acts of 1994; 501(c)(3) organizations whose primary mission is to educate the public on the dangers of illicit drug use, alcohol abuse, or the co-occurring disorder of both alcohol and drug abuse and mental illness or to render treatment for alcohol and drug addiction, or the co-occurring disorder of both alcohol and drug abuse and mental

illness; specialized court programs and specialized court dockets that supervise offenders who suffer from alcohol and drug abuse, or the co-occurring disorder of both alcohol and drug abuse and mental illness; organizations that operate drug, alcohol, or co-occurring disorder treatment programs for the homeless or indigent; agencies or organizations for purposes of drug testing of offenders who have been placed on misdemeanor probation; and the employment of a probation officer for the purposes of supervising drug and alcohol offenders.

- These funds will now be used by the county for the creation and maintenance of VTCPs, DCTPs, or both.
- Currently, a \$75 fee is assessed in all courts against persons who enter a guilty plea, a plea of nolo contendere, are adjudicated at trial, enter a plea pursuant to a diversionary sentencing statute, or is found in violation of the terms of a suspended sentence. The first \$5.00 of each such assessment funds the DCTP administration and funds such grant awards made by the Department of F&A, Division of Office of Criminal Justice Programs. The county uses the remainder of the assessments for the creation and maintenance of state DCTPs. In the event no DCTP operates in a county, the remainder of the funds is remitted annually to the State to be placed in the DCTP Resources Fund.
- The proposed legislation specifies that the VTCP will also be funded by the first \$5.00 of the assessment in addition to funding the DCTP.
- The administration and funding of DCTPs was transitioned from the Department of Finance and Administration (F&A), Office of Criminal Justice Programs, to the DMHSAS effective July 1, 2012, therefore the proposed bill would not have a significant impact to F&A.
- The impact on audit requirements for the Comptroller's Office, Division of State Audit, is minimal and will not result in a significant fiscal impact.
- Current programs funded pursuant to Tenn. Code Ann. § 55-10-412 will see a reduction in the amount of money that is available as these funds would now be remitted to the state for the purpose of creating and maintaining Veterans Treatment Court Programs or Drug Court Treatment Programs rather than remaining in the county. An indeterminable decrease in local revenue will result in a corresponding increase in state revenue.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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