

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1059 - HB 1132**

March 13, 2015

**SUMMARY OF BILL:** Clarifies that second and third time DUI offenders as being on probation once they have completed their jail time and entered treatment.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- This bill is not relevant to state operations.
- Under current law, a second DUI offender must serve a minimum 45-day mandatory sentence unless the judge determines the defendant is a good candidate for treatment, in such case the defendant must serve a minimum of 25 days in local confinement and then serve the remainder in treatment. A third time DUI offender serves a 120-day mandatory sentence unless ordered to treatment, in which the defendant serves 65 days in local confinement and the remainder in treatment.
- The bill clarifies that the defendant is considered to be on probation once the 25-day or 65-day minimum sentence is served. Therefore judges can treat a defendant walking away from treatment as a probation violation, rather than having to issue a capias warrant.
- Based on information from the County Officials Association of Tennessee (COAT), the fiscal impact of this bill is not significant on local government operations.

**CERTIFICATION:**

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

A handwritten signature in black ink that reads "Jeffrey L. Spalding".

Jeffrey L. Spalding, Executive Director

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