

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 760 – SB 1120

March 11, 2017

**SUMMARY OF ORIGINAL BILL:** Requires a law enforcement officer to issue a citation in lieu of continued custody of a person arrested for a misdemeanor violation of simple possession, as prohibited by Tenn. Code Ann. § 39-17-418, of a controlled substance, unless the officer determines, based on the person's previous failure to appear in court, that a reasonable likelihood exists that the arrested person will fail to appear in court.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease Local Expenditures – Exceeds \$15,000

**SUMMARY OF AMENDMENT (004859):** Deletes all language after the enacting clause. Requires each local law enforcement agency to adopt a policy to ensure the issuance of a citation in lieu of arrest, for a misdemeanor violation of simple possession of a controlled substance, as prohibited by Tenn. Code Ann. § 39-17-418.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The provisions of the bill as amended do not alter the requirement for booking a charged offender or sentencing a convicted offender.
- Based on the Tennessee Bureau of Investigation's (TBI) 2015 Crime in Tennessee report, a total of 38,772 Drug/Narcotic arrests occurred in 2015. The exact statewide number of simple possession arrests relative to Tenn. Code Ann. § 39-17-418 is not known; therefore, the exact number of citations relative to the provisions of the bill as amended cannot be determined with specificity.
- Statistics from the Administrative Office of the Courts show an average of 1,946 class A misdemeanor convictions per year under Tenn. Code Ann. § 39-17-418 over the last five years. These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed there are a total of 19,460 convictions (1,946 x 10) per year for violations of Tenn. Code

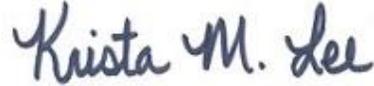
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Ann. § 39-17-418. Therefore, as many as 19,460 statewide arrests for simple possession may occur each year.

- The number of such offenders having the potential to be held in custody in the absence of this bill as amended is reasonably estimated to exceed 5,000 statewide annually.
- It is assumed that a minimum of five percent, or at least 250 (5,000 x 5.0%), would not have posted bail, resulting in an overnight stay in jail.
- The estimated 2017 cost per inmate per day for local jails is \$60.00.
- The recurring decrease in local incarceration expenditures is estimated to exceed \$15,000 (250 minimum offenders x \$60.00 cost).
- The provisions of the bill as amended will not significantly impact expenditures associated with issuing citations.

**CERTIFICATION:**

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



Krista M. Lee, Executive Director

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