

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2110 – SB 2711

April 2, 2018

SUMMARY OF ORIGINAL BILL: Authorizes the Administrative Office of the Courts (AOC) to submit the annual report on capital post-conviction cases as required by Tenn. Code Ann. § 40-30-111 electronically to the General Assembly.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016377): Deletes and rewrites the proposed legislation to: (1) change the “DUI Monitoring Fund” to the “Electronic Monitoring Indigency Fund”; (2) add additional fees to be paid into the fund by those convicted of domestic abuse, domestic assault, and boating under the influence; (3) add an initial use fee for ignition interlock devices; and (4) add additional \$12 fee to electronic monitoring within the Department of Correction (DOC).

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase State Revenue – \$161,800/Electronic Monitoring Indigency Fund
\$100/Alcohol and Drug Addiction Treatment Fund
\$100/Office of Criminal Justice Programs
\$100/Department of Safety**

Assumptions for the bill as amended:

- The proposed legislation changes the “DUI Monitoring Fund” to the “Electronic Monitoring Indigency Fund.”
- The proposed legislation adds an additional fee of \$10 for those convicted of domestic abuse and domestic assault.
- According to the Administrative Office of the Courts (AOC), there have been an average of 756 convictions per year for violations of Tenn. Code Ann. § 39-13-111, a class C misdemeanor, 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

HB 2110 – SB 2711

state court level. Therefore, it is assumed that there are a total number of 7,560 convictions (756 x 10) statewide per year for violations of Tenn. Code Ann. § 39-13-11.

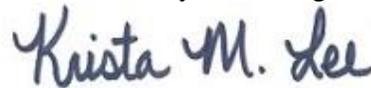
- The proposed legislation would require all those convicted of domestic assault to pay an additional fine of \$10.00 to the Electronic Monitoring Indigency Fund (EMIF).
- The proposed legislation would result in a recurring increase in state revenue to the EMIF estimated to be \$75,600 annually (7,560 x \$10).
- According to the AOC, statistics show an average of 18.6 felony convictions per year for class C and D felony violations of Tenn. Code Ann. § 39-13-111.
- The proposed legislation would result in a recurring increase in state revenue to the EMIF estimated to be \$190 (19 x \$10).
- Statistics from the AOC show an average of 3,665 convictions for aggravated assault under Tenn. Code Ann. § 39-13-102 over the last five years. Assuming that 10 percent, or 367, of these convictions are attributable to domestic abuse under Tenn. Code Ann. § 36-3-601, the proposed legislation would result in a recurring increase in state revenue to the EMIF estimated to be \$3,670 (367 x \$10).
- The proposed legislation requires an ignition interlock fee of \$40 for each violation of boating under the influence, codified under Tenn. Code Ann. § 69-9-217. The fee will be deposited into the EMIF.
- According to the AOC there have been an average of four convictions per year for violations of Tenn. Code Ann. § 69-9-217, a class C misdemeanor, 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. Therefore, it is assumed there are a total of 40 convictions (4 x 10) statewide per year for violations of Tenn. Code Ann. § 69-9-217.
- Tennessee Code Annotated § 55-10-419(g) provides for the distribution of the DUI monitoring fund fees. The proposed legislation changes the DUI monitoring fund to the EMIF; however the distribution of the funds remains the same.
- Tennessee Code Annotated § 55-10-419(g)(2)(A) provides for \$30.50 of the \$40 fee to be kept in the fund for the purpose of paying for persons who are found indigent by the court.
- The proposed legislation would result in a recurring increase in state revenue to the EMIF estimated to be \$1,220 (\$30.50 x 40).
- Tennessee Code Annotated § 55-10-419(g)(2)(B) provides for \$4.50 to the Tennessee Hospital Association for the purpose of making grants to hospitals that have been designated as critical access hospitals under the Medicare Rural Flexibility Program for purposes of purchasing medical equipment, enhancing high technology efforts and expanding healthcare services in underserved areas. The proposed legislation would result in a recurring increase in revenue to the Tennessee Hospital Association in the amount of \$180 (\$4.50 x 40).
- Tennessee Code Annotated § 55-10-419(g)(2)(C) provides for \$1.25 to the Department of Mental Health and Substance Abuse Services to be placed in the Alcohol and Drug Addiction Treatment Fund; therefore, a recurring increase in revenue to the Alcohol and Drug Addiction Treatment Fund in the amount of \$50.00 (\$1.25 x 40).
- Tennessee Code Annotated § 55-10-419(g)(2)(D) provides for \$1.25 to the Department of Finance and Administration, Office of Criminal Justice Programs, for the sole purpose of funding grant awards to local law enforcement agencies for the enforcement

of alcohol related traffic offenses. The proposed legislation would result in a recurring increase in revenue to the Office of Criminal Justice Programs estimated to be \$50.00 (\$1.25 x 40).

- Tennessee Code Annotated § 55-10-419(g)(2)(F) provides for \$1.25 to the Department of Finance and Administration, Office of Criminal Justice Programs, for the sole purpose of funding grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders. The proposed legislation would result in a recurring increase in revenue to the Office of Criminal Justice Programs estimated to be \$50.00 (\$1.25 x 40).
- Tennessee Code Annotated § 55-10-419(g)(2)(E) provides for \$1.25 to the Department of Safety, resulting in a recurring increase in revenue to the Department of Safety estimated to be \$50.00 (\$1.25 x 40).
- The proposed legislation would also require those convicted of boating under the influence to pay the \$12 ignition interlock fee, resulting in a recurring increase in state revenue to the EMIF estimated to be \$480 (\$12 x 40).
- The proposed legislation provides for an additional fee of \$12 to persons required to use an ignition interlock device pursuant to Tenn. Code Ann. § 55-10-417.
- According to the Department of Safety, an average of 5,861 ignition interlock devices has been installed each year for the past two years.
- The proposed legislation would result in a recurring increase in state revenue to the EMIF estimated to be \$70,332 (5,861 x \$12).
- The proposed legislation provides for an additional fee of \$12 to persons required to use any electronic monitoring device and tracking supervision program under the DOC.
- According to the DOC, the average number of persons under electronic monitoring in 2017 is 863.
- The proposed legislation would result in a recurring increase in state revenue to the EMIF estimated to be \$10,356 (863 x \$12).
- The proposed legislation would result in a recurring increase in state revenue to the EMIF estimated to be \$161,848 (\$75,600 + \$190 + \$3,670 + \$1,220 + \$480 + \$70,332 + \$10,356).

CERTIFICATION:

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



Krista M. Lee, Executive Director

/alm