

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 577 - SB 1244

February 18, 2017

SUMMARY OF BILL: Requires a juvenile court to inform a child at the time of adjudication of the need to petition for expunction of the child's record. Requires the Administrative Office of the Courts to create a petition that can be completed by a child and circulate the petition to all juvenile court clerks. Requires a juvenile court clerk to send a postcard to the child's last known address on the child's 17th birthday informing the child of the right to expunction.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – \$95,000/One-Time*
\$3,828,400/Recurring*

Assumptions:

- Tennessee Code Annotated § 37-1-153(f) authorizes juveniles to petition a juvenile court to expunge the juvenile's record. The proposed legislation sets forth new requirements relative to expunging juvenile records.
- The proposed legislation will require the Administrative Office of the Courts to develop a petition capable of being completed by a minor. It is assumed that the Administrative Office of the courts can create the petition within existing resources.
- The proposed legislation will increase local expenditures relative to juvenile courts as a result of juvenile court clerks having to track a juvenile's birthday and mail a post card when the juvenile turns 17 years of age.
- There is a juvenile court, or a court exercising concurrent juvenile jurisdiction, in every county in Tennessee. On average, each county will need to hire one individual to track the necessary records and birthdays and to mail the requisite postcards.
- It is assumed that each position will require \$40,000 in recurring expenditures for salary and benefits, and \$1,000 in one-time expenditures for supplies and training.
- The mandatory recurring increase in local expenditures is estimated to be \$3,800,000 (\$40,000 x 95 counties).
- The mandatory one-time increase in local expenditures is estimated to be \$95,000 (\$1,000 x 95 counties).
- The current rate of postage is \$0.49. The 2014 Tennessee Council of Juvenile and Family Court Judges Annual Statistical Report indicates there are approximately 58,000

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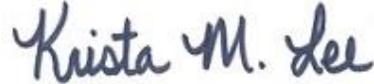
delinquent matters each year. These matters, in addition to past matters handled in juvenile court, will need to be tracked and postcards mailed when the juvenile turns 17 years of age. It is assumed that 58,000 is the average number of postcards that will need to be mailed each year. As a result, the mandatory recurring increase in local expenditures is estimated to be \$28,420 (58,000 x \$0.49).

- The total mandatory recurring increase in local expenditures as a result of the bill is estimated to be \$3,828,420 (\$3,800,000 + \$28,420).

*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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