

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 587 - HB 715

March 3, 2019

SUMMARY OF ORIGINAL BILL: Removes the prohibition of the issuance of a citation in lieu of arrest in certain circumstances. Removes the Class A misdemeanor offense for failure to appear at the arresting law enforcement agency for a citation in lieu of arrest prior to trial for booking and processing.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease Local Expenditures – Exceeds \$16,000

SUMMARY OF AMENDMENT (005037): Deletes all language after the enacting clause. Removes the prohibition of the issuance of a citation in lieu of arrest in certain circumstances. Specifies that an officer is not prohibited from arresting and taking a person into custody in certain instances if there is a reasonable likelihood that the arrested person will fail to appear in court or if the prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Decrease Local Expenditures – Exceeds \$6,400

Assumptions for the bill as amended:

- The proposed legislation removes the prohibition of issuance of citations for situations where: (1) the prosecution of the offense for which the person was arrested, or of another offense, would therefore be jeopardized; or (2) a reasonable likelihood exists that the arrested person will fail to appear in court.
- This analysis assumes magistrates will authorize peace officers to issue citations in the situations aforementioned rather than arresting the person and placing him or her in continued custody to appear before a magistrate.
- The number of arrested persons having the potential to be held in custody each year in the absence of the proposed legislation is reasonably estimated to exceed 1,000 statewide.

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- This analysis estimates a minimum of ten percent, or at least 100 (1,000 x 10%), would not have posted bail, resulting in a one night stay in jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The recurring decrease in local incarceration expenditures is estimated to exceed \$6,400 (100 x \$64).

CERTIFICATION:

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

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj