

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2515 - SB 2731

June 15, 2020

SUMMARY OF ORIGINAL BILL: Creates 18 assistant district attorney positions, 7 district attorney (DA) legal secretary positions, 2 DA victim-witness coordinator positions, and 2 DA criminal investigator positions for designation in identified judicial districts. Creates 7 assistant district public defender positions, 17 public defender (PD) legal secretary positions, and 9 PD social worker positions for designation in identified judicial districts. Outlines the process for approval and placement of such positions.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$4,012,000/FY20-21
Exceeds \$4,472,300/FY21-22 and Subsequent Years

SUMMARY OF AMENDMENT (018670): Deletes all language after the caption. Authorizes the Attorney General and Reporter (AG) to petition the court with jurisdiction over an offense involving state property or the administration of state government to appoint an attorney to act as district attorney general pro tempore if the district attorney general declines or fails to prosecute such offense within a reasonable time. Grants the district attorney general pro tempore authority to conduct criminal proceedings in such offense equal to those authorized by law to the district attorney general in that district.

Requires the court to hold an expedited hearing of the petition and the District Attorneys General Conference (DAGC) to submit a list of recommended attorneys to the court prior to the hearing. The court is required to appoint a district attorney general pro tempore from the list submitted or deny the petition. The AG has authority to appeal any denial of the petition within five business days of the court's decision as to the right of the State Supreme Court.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – Should the court appoint a district attorney general pro tempore, there will be additional state expenses occurred to pay for the attorney's services. The timing and extent of such expenses cannot reasonably be determined.

Assumptions for the bill as amended:

- Any additional costs incurred by the AG to petition the court and possibly appeal the courts initial decision will not result in a significant increase in expenditures and can be accommodated within existing resources.
- The DAGC will not incur a significant increase in expenditures to compile the list of possible attorneys to be accommodated within existing resources.
- Any appointment of a district attorney general pro tempore will result in additional state expenditures. Due to a number of unknown factors including, but not limited to, the attorney appointed, the amount of resources necessary to prosecute each offense, the number of appointments that will occur within a year, and the timing and duration of any prosecution, an exact fiscal impact to state government cannot be reasonably determined.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

/klc