

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1611

January 15, 2020

SUMMARY OF BILL: Authorizes law enforcement officers to issue electronic citation for certain misdemeanor criminal offenses in lieu of written citations or arrest.

Authorizes counties and municipalities to charge and collect a fee of \$5.00 for each electronic citation resulting in a conviction. Requires \$1.00 of this fee to be retained by the clerk and \$4.00 to be transmitted to the law enforcement agency that prepared the citation. Earmarks monies transmitted to the law enforcement agencies for purchases relating to electronic citation systems such as systems, technology, repairs, and training. Earmarks monies collected by the court clerks for computer hardware or other computer-related expenses.

Deletes the requirement that a traffic citation delivered to the court be sworn to by the issuing officer. Authorizes an electronic signature to be used to sign an electronically-issued traffic citation.

ESTIMATED FISCAL IMPACT:

Increase Local Revenue – \$10,900/FY20-21 and Subsequent Years/Permissive

Assumptions:

- Permitting these citations to be issued electronically will not significantly impact incarceration levels in local jails since written citations for the same misdemeanor offenses are authorized under current law.
- Pursuant to Tenn. Code Ann. § 40-7-118(b)(3), a peace officer may issue a citation to an arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate if a person is arrested for shoplifting, issuance of bad checks, certain uses of a revoked or suspended driver license, specific instances of assault or battery, or certain cases of prostitution.
- Based on information provided by the Administrative Office of the Courts, there has been an average of 2,278 misdemeanor convictions for these specific charges each year over the last three years. This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of 22,780 convictions (2,278 x 10) per year for misdemeanor violations of Tenn. Code Ann. § 40-7-118(b)(3)(A-E).
- The exact ratio of those cited versus arrested is unknown. It is reasonably assumed that at least 40 percent were issued a citation in lieu of arrest, resulting in approximately 9,112 citations (22,780 x 40%) issued.

- Of those citations, it is estimated that at least 30 percent will be issued electronically. Therefore, approximately 2,734 citations (9,112 x 30%) will be eligible for a \$5.00 electronic citation fee.
- Twenty percent of fines are assumed to go unpaid due to indigence.
- It is assumed that each county and municipality will authorize the fee and reauthorize it every five years; therefore, there would be a permissive increase in local revenue of at least \$10,936 [(2,734 x \$5.00) x 80%] in FY20-21 and subsequent years, \$2,187 of which will be retained by the court clerk (\$10,936 x 20%), and \$8,749 of which will be earmarked to local law enforcement agencies (\$10,936 x 80%).
- Removing the requirement that a traffic citation delivered to the court be sworn to by the issuing officer before a magistrate will not have a significant fiscal impact on state or local expenditures.
- Permitting an electronic signature to be used to sign an electronically-issued traffic citation will not have a significant fiscal impact on state or local expenditures.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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