

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1582 - HB 1667

January 31, 2020

SUMMARY OF BILL: Authorizes a court, after a determination hearing, to order a juvenile who is adjudicated delinquent for an act committed when the juvenile was less than 14 years of age that, if committed by an adult, would constitute an offense listed as a violent juvenile sexual offense, to register as a violent juvenile sex offender.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-39-202(29), a violent juvenile sexual offense includes the following adjudication of delinquency that, if committed by an adult, constitutes the criminal offense of:
 - Aggravated rape;
 - Rape;
 - Rape of a child;
 - Aggravated rape of a child;
 - Aggravated sexual battery; or
 - Criminal attempt to commit any of the aforementioned offenses.
- Pursuant to Tenn. Code Ann. § 40-39-204(b), violent sexual offenders not residing in nursing homes or health care facilities due to mental or physical disabilities are required to report to the designated law enforcement agency during the months of March, June, September, and December and remit a \$150 fee annually, of which \$100 is retained by the designated law enforcement agency and \$50 is remitted to Tennessee Bureau of Investigation (TBI).
- Pursuant to Tenn. Code Ann. § 40-39-201(b)(7), a juvenile required to register with the Tennessee Sexual Offender and Violent Sexual Offender Registry (SOR) is not required to pay administrative fees until the offender reaches 18 years of age.
- According to the *Tennessee Bureau of Investigation Tennessee Fusion Center Sex Offender Registry Standard Operating Procedures*, once the offender reaches the age of 18 and is eligible to pay the administrative fee, the standard operating procedure should be followed.
- According to the *Tennessee Bureau of Investigation Tennessee Fusion Center Sex Offender Registry Standard Operating Procedure*, designated law enforcement agencies

are required to make determinations of an offender's ability to pay annual administrative costs and are authorized to process indigency fee waivers.

- The proposed legislation may lead to additional SOR registrants sometime after July 1, 2024; however, any revenue collected by law enforcement agencies and retained for administrative purposes or remitted to the TBI resulting from the proposed legislation is estimated to be not significant.
- Pursuant to Tenn. Code Ann. §40-39-208(b), a violation of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 (Act) is a Class E felony offense.
- Any impact to the Department of Children's Services (DCS) or state incarceration resulting from juveniles adjudicated delinquent or adult offenses for violations of the Act under the proposed legislation is estimated to be not significant.
- Any impact to TBI resulting from registering applicable juveniles to the SOR is estimated to be not significant.
- Any impact to the court system to conduct determination hearings will be accomplished utilizing existing court resources. Any impact to the court system is estimated to be not significant.
- Any impact to the DCS to coordinate such registration of applicable juveniles in DCS custody will be accommodated utilizing existing resources. Any impact to DCS is estimated to be not significant.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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