

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2569 - HB 2802

May 8, 2020

SUMMARY OF BILL: Makes various changes to qualification and in-service education requirements for constables.

ESTIMATED FISCAL IMPACT:

**Increase Local Revenue – Exceeds \$2,500/FY20-21
Exceeds \$12,500/FY21-22 and Subsequent Years**

Assumptions:

- Pursuant to Tenn. Code Ann. § 8-10-102, § 8-10-201, and § 8-10-202:
 - With the exception of certain counties and incumbents, persons seeking to qualify for the office of constable must meet certain age, education, and residency requirements, and not have been convicted of a felony or dishonorably discharged from the armed forces; and
 - With the exception of constables who had 20 years of cumulative service as of May 3, 2018, each constable is required to complete 40 hours of in-service course time each year. Such in-service education is offered by the Tennessee Constable Association or the Tennessee Constable Council.
- The proposed language makes the following changes to qualification requirements:
 - Removes previous exemptions provided to constables in certain counties;
 - Requires constables to possess a certificate of graduation from a Tennessee Peace Officer Standards & Training Commission (POST) certified training academy;
 - Exempts constables elected prior to January 1, 2021 from graduation certificate and minimum education requirements, and the prohibition concerning a dishonorable discharge from the armed forces.
- The proposed language makes the following changes concerning in-service education:
 - Constables are authorized to attend in-service training programs administered by local law enforcement agencies in lieu of in-service provided by other organizations;
 - First-term constables must satisfy the in-service education requirements prior to being granted law enforcement powers and the authority to utilize emergency vehicle equipment; any constable failing to meet such in-service requirements forfeits all such powers and use of equipment.

- Constables do not receive a salary from counties but receive compensation in the form of fees from service of processes. Any expenditure associated with in-service education and POST certification will be paid by the applicable constable.
- This analysis assumes:
 - Constables will attend a POST certification training course provided by a local law enforcement agency; and
 - At least five constables statewide will be newly elected every four years after January 1, 2021, with the first election occurring at the county general election in August.
- Local law enforcement training academies provide POST certification courses. While prices for such courses will vary, they are estimated to exceed \$2,000.
- Based on information provided by the Tennessee Sheriffs Association, most in-service training provided by local law enforcement is free; however some locations charge an average of \$250 per 40 hours of training. It is estimated that at least 10 constables statewide will pay for training provided by local law enforcement.
- The proposed language is estimated to result in a recurring increase in local revenue exceeding \$2,500 (\$250 x 10 constables) in FY20-21 and subsequent years for in-service training for constables.
- The proposed language is estimated to result in a recurring increase in local revenue exceeding \$10,000 (5 constables x \$2,000 POST training course) statewide, beginning in FY21-22 for POST certification of constables.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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