
HB 2078 - SB 2365

FISCAL MEMORANDUM



Fiscal Review Committee
Tennessee General Assembly

February 13, 2026

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SUMMARY OF BILL AS AMENDED (013206): Requires an expedited hearing if a bond condition imposed affects parental contact, custody, or visitation with a minor child to ensure the bond condition meets requirements of the *Families' Rights and Responsibilities Act* (Act). Establishes a bond condition void if a hearing is not held within the required timeframe. Provides that before a court may impose or extend a bond condition prior to conviction in a criminal case that restricts, limits, or prohibits a defendant's parental contact with, custody of, or visitation with any minor child who is not a victim of the charged crime, the government bears the burden of establishing, by clear and convincing evidence, which the court must articulate through specific findings of fact, that: (1) a threat of harm exists to the child; (2) less restrictive alternatives are insufficient to prevent the harm; and (3) the restriction is in the best interests of the child.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 36-8-103(a)-(b):
 - The liberty of a parent to the care, custody, and control of the parent's child, including the right to direct the upbringing, education, health care, and mental health of the child, is a fundamental right.
 - No government entity is permitted to substantially burden the fundamental rights of a parent unless the government entity demonstrates that the burden is required by a compelling governmental interest of the highest order and is the least restrictive means of furthering that interest.
- Pursuant to Tenn. Code Ann. § 40-11-116(b), if a defendant does not qualify for a release upon recognizance, then a magistrate is authorized to impose conditions to assure the defendant's appearance in court, including, but not limited to, the deposit of bail.
- It is assumed that magistrates across the state are currently considering the best interests of the child when making these determinations, alongside trying to ensure the appearance of the defendant at trial.
- Requiring an expedited hearing within 15 days of a bond condition being imposed to determine if the condition meets the requirements of the Act may strain the court clerks of some jurisdictions, but it is expected that any increase in workload can be accommodated with existing personnel and resources.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive style with a large, prominent 'B' and 'S'.

Bojan Savic, Executive Director