

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 221 - SB 656

March 5, 2017

SUMMARY OF BILL: Creates a domestic abuse registry within the Tennessee Bureau of Investigation (TBI).

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$274,900/One-Time
\$222,400/Recurring**

Increase Local Expenditures – Exceeds \$2,170,000/Recurring*

Assumptions:

- The proposed legislation requires the TBI develop and maintain a domestic abuse registry. Any person (1) who is convicted of domestic assault under Tenn. Code Ann. § 39-13-111, (2) who violates an order of protection or restraining order under Tenn. Code Ann. § 39-13-113, (3) who has a final order of protection entered against them, (4) who an ex parte order of protection against them has been extended, or (5) who has a final order of protection issued or extended in a decree of divorce must be included on the registry.
- The registry must be available for public inquiry and maintained by the TBI based upon information supplied to the bureau by court clerks.
- Creating the registry will require \$250,000 in one-time state expenditures, and \$25,000 in recurring expenditures. The one-time state expenditures include \$100,000 development costs, \$75,000 for server costs, and \$75,000 for storage costs (including disaster recovery); the recurring expenditure is \$25,000 for Microsoft software licensing.
- TBI will also require three intelligence analysts to administer the registry. Intelligence Analyst 2 positions require \$65,784 in recurring state expenditures [\$43,200 salary + (\$43,200 x 0.0969 benefits) + (\$43,200 x 0.0765 FICA) + \$6,926.76 insurance + \$8,166.67 for office supplies, professional services, communications, etc.] and \$4,900 in one-time state expenditures.
- The proposed legislation will increase recurring state expenditures for personnel by \$197,352 (\$65,784 x 3 analysts) and increase one-time state expenditures by \$14,700 (\$4,900 x 3 analysts).
- The proposed legislation requires a court, upon the occurrence of one of the five instances mentioned above, to make a finding that the victim is a domestic abuse victim as defined in Tenn. Code Ann. § 39-13-111 and indicate such finding on the judgment.

- The Administrative Office of the Courts notes that the new automated case judgment (ACJ) system will need to be updated, because the system is switching judgment orders from paper to electronic formats. The ACJ will require approximately 27 hours of work at \$110 per hour. The proposed legislation will increase one-time state expenditures by \$2,970 (27 hours x \$110).
- The proposed legislation requires court clerks to provide certain information to the TBI, including driver license number and issuing state if reasonably available or other identifying information. The proposed legislation requires court clerks to forward a copy of any order, judgment, or conviction to the TBI.
- The proposed legislation will require the Tennessee Court Information System (TnCIS) to be updated.
- TnCIS will require 100 hours of programming at \$72 per hour. The proposed legislation will increase one-time state expenditures by \$7,200 (100 hours x \$72).
- The proposed legislation will increase one-time state expenditures by \$274,870 (\$250,000 + \$14,700 + \$2,970 + \$7,200).
- The proposed legislation will increase recurring state expenditures by \$222,352 (\$25,000 + \$197,352).
- Currently, 82 of the 95 court clerks in Tennessee use TnCIS, but only 33 clerks, or approximately 61 circuit/criminal and general sessions courts use TnCIS to report criminal proceedings.
- Data from TBI's 2013-2015 Domestic Violence Report indicates a total of 232,031 domestic violence offenses were committed in 2013-2015, which averages to 77,344 per year and 814 per county. These numbers do not include the number of orders of protection violated, extended, or issued. It is assumed that each court clerk would be required to report approximately 1,500 matters to TBI each year.
- The 62 counties that do not use TnCIS will need to hire additional staff to report to the TBI. It is assumed that each county will hire one full-time staff person to handle reporting.
- It is assumed that each staff person will require at least \$35,000 in recurring local expenditures. The proposed legislation will increase recurring local expenditures by an amount estimated to exceed \$2,170,000 (62 x \$35,000).

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

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



Krista M. Lee, Executive Director

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