

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 749 - SB 889

March 16, 2023

SUMMARY OF BILL: Eliminates court fees and fines for juveniles, parents, legal guardians or legal custodians of juveniles adjudicated delinquent or unruly. Requires youth be presumed indigent for the purposes of appointed counsel in any court. Eliminates fees associated with the application or reinstatement of a juvenile restricted driver license.

Exempts youths, parents, legal guardians, and legal custodians from litigation and privilege taxes in matters involving any defendant that is a youth. Prohibits counties and municipalities from levying fines, fees, costs, or taxes to youths, parents, legal guardians, or custodians in matters involving any defendant who is a youth.

Beginning July 1, 2023, prohibits the collection of any remaining balance due on any judgement entered prior to July 1, 2023 for the outlined fines, fees, costs, or taxes. Establishes that any civil judgement, lien, or other legal encumbrances associated with such judgements is vacated.

Requires the Administrative Office of the Courts (AOC), in consultation with state and municipal agencies, to establish procedures to vacate and discharge all unpaid outstanding balances and unsatisfied civil judgements, existing liens, and existing legal encumbrances as outlined by January 1, 2024.

FISCAL IMPACT:

Increase State Expenditures –

Exceeds \$4,000,000/FY23-24 and Subsequent Years/Various State Funds

Decrease State Revenue –

Exceeds \$1,000,000/FY23-24 and Subsequent Years/Various State Funds

Decrease Local Revenue –

Exceeds \$2,000,000/FY23-24 and Subsequent Years

Other Fiscal Impact – There will be additional minimal decreases in state and local expenditures associated with prohibiting the collection of remaining balances on any judgements. The extent and timing of any such decreases cannot be quantified with any reasonable certainty.

To the extent that the required modifications to the Department of Safety’s A-List system can be accomplished within available resources provided under the current vendor contract, the proposed legislation will not result in a significant increase in state expenditures. Otherwise, those modifications could result in a one-time increase in state expenditures of up to \$50,000 in FY23-24.

Assumptions:

- Based on information provided by the AOC, passage of the proposed legislation will expand the types of juvenile claims that are entitled to representation under the Indigent Defense Fund (Fund) to include unruly claims, juvenile criminal prosecutions and juvenile municipal code violations.
- Pursuant to Tenn. Code Ann. § 8-21-401(e), court clerks in juvenile proceeding are required to charge fees ranging from \$25 - \$100 for various services per case.
- Pursuant to Tenn. Code Ann. § 37-1-151, the parents of a child committed to the Department of Children’s Services as a result of being found dependent and neglected, unruly or delinquent are liable for support of the child while the child is in state custody.
- Pursuant to Tenn. Code Ann. § 55-10-705, a juvenile offender is required to pay a \$20 application fee and a \$20 reinstatement fee to the Department of Safety for a restricted license.
- Based on information provided by various state and local entities, passage of the proposed legislation will result in:
 - A recurring increase in state expenditures exceeding \$4,000,000 to various state agencies in FY23-24 and subsequent years.
 - A recurring decrease in state revenue exceeding \$1,000,000 to various state agencies in FY23-24 and subsequent years; and
 - A recurring decrease in local revenue exceeding \$2,000,000 in FY23-24 and subsequent years;
- The proposed legislation will require some changes to the DOS’ A-List software system. It is assumed that these modifications can be accomplished by the vendor under the current contractual agreement without a need for additional expenditures; therefore, any fiscal impact to DOS is estimated to be not significant.
- However, if the scope of work required by this and other legislation subsequently enacted exhausts the relevant contract provision, the proposed legislation could result in an increase in state expenditures up to \$50,000 in FY23-24.
- There will be additional minimal decreases in state and local expenditures associated with prohibiting collection of any remaining balance due on any judgement. The timing and extent of such decreases cannot be quantified with any reasonable certainty. However, it is reasonably assumed existing staff and resources would be allocated to other responsibilities.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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