

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2099 - SB 2049

February 19, 2024

SUMMARY OF BILL: Requires the clerk of every court having jurisdiction of state misdemeanors and felonies to include a \$12.50 charge in every misdemeanor and felony cost bill, to be remitted to the county government to provide support services for the purpose of promoting public safety at the sole discretion of the District Attorney General (DAG) for that county's judicial district.

Requires the charge be remitted to the Office of the Executive Director of the District Attorneys General Conference (DAGC) in counties that are part of a multiple county judicial district for the purpose of providing supplemental funding for the Office of the DAG within that judicial district to promote public safety. Establishes that funds do not revert to the General Fund and are required to be carried forward for the purpose for which they were originally intended.

States that, in every misdemeanor and felony prosecution in which restitution is ordered or the privilege tax for the Criminal Injuries Compensation Fund is also levied, the cost imposed by the proposed legislation does not have priority over collection of that restitution or privilege tax.

Takes effect upon two-thirds vote of the county legislative body or, if the county is imposing a fee to benefit the Office of the Public Defender (OPD), upon written request and notice by the DAG for that county's judicial district to the county executive or mayor and the circuit court clerk of such county.

FISCAL IMPACT:

**Increase State Revenue – \$1,079,000/FY24-25 and Subsequent Years/
District Attorney General**

Other Fiscal Impact - The extent and timing of any permissive increase in local revenue cannot reasonably be determined.

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-14-210, the clerk of every court having jurisdiction of state misdemeanors and felonies has the duty to include in every misdemeanor and felony cost bill a charge of \$12.50 that is required to be remitted to the county government, except in counties that are part of a multiple county judicial district, in which case this charge is required to be remitted to the Office of the Executive Director

HB 2099 - SB 2049

of the District Public Defenders Conference (DPDC) for the purpose of providing supplemental funding for the OPD within that judicial district, to be used for providing representation and support services to indigent defendants in criminal proceedings.

- The proposed legislation requires the clerk of every court having jurisdiction of state misdemeanors and felonies to include an additional charge of \$12.50 in every misdemeanor and felony cost bill, to be remitted to either the DAG of that county's judicial district or the DAGC for counties that are part of a multiple county judicial district, for the purpose of promoting public safety at the sole discretion of the DAG.
- The proposed legislation takes effect upon two-thirds vote of the county legislative body or, if the county is imposing a fee to benefit the OPD, upon written request and notice by the DAG for that county's judicial district to the county executive or mayor and the circuit court clerk of such county.
- Based on information provided by the DPDC, revenue from the \$12.50 fee collected in multi-county districts over the last three years totaled:
 - FY20-21: \$917,632
 - FY21-22: \$1,170,288; and
 - FY22-23: \$1,147,849.
- Based on these collections, it is assumed that the \$12.50 fee from multi-county districts generates an average of \$1,079,000 in revenue each year. Therefore, the recurring increase in state revenue to the DAG is estimated to be \$1,079,000.
- Additional fee revenue collected by single-county districts is unknown at this time as it is remitted to the local county government for that county's judicial district. Based on information provided by the DPDC, certain single-county districts collect the fee, while others do not.
- For any such county that elects to impose the \$12.50 fee, there will be a recurring permissive increase in local revenue. However, due to multiple unknown variables, the extent and timing of any such increase cannot reasonably be determined.
- Pursuant to Tenn. Code Ann. § 8-21-409, the clerks of the courts currently collect fees for a variety of court costs.
- Passage of the proposed legislation will not result in any increase in local expenditures to the court clerks.
- Based on information from the Administrative Office of the Courts, any impact to the court system as a result of the proposed legislation 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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