

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2158 - HB 2774

February 13, 2024

SUMMARY OF BILL: Requires every state department, agency, commission, board, office, or entity, to the greatest extent authorized by law, to consider the effects of illegal immigration on their respective entity prior to issuing policies, procedures, and practices and to develop policies, procedures, practices, and methods to collect and analyze data that relates to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of, illegal aliens.

Requires the head of every state entity, within 60 days of the proposed effective, to conduct a review of its existing policies, procedures, and practices to ensure they provide for the collection and analyzation of data relative to illegal aliens.

Requires the head of every state entity, within 120 days of the proposed effective date, to provide a written report to the Governor and the Speakers of the Senate and House of Representatives stating the duties and responsibilities of such state entity relative to public services or expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

Requires the commissioners (Commissioners) of the Department of Safety (DOS), the Department of Correction (DOC), and the Tennessee Bureau of Investigation (TBI), in consultation with sheriffs and other law enforcement agencies, to jointly develop policies, procedures, practices, and methods to collect and analyze data relative to illegal aliens. Instructs the Commissioners to submit a monthly report to the Governor and the Speakers on data relative to illegal aliens arrested, charged, or convicted in Tennessee.

Within 180 days of the effective date, the Commissioners and the TBI, in consultation with sheriffs and local law enforcement to regularly publish on one or more publicly accessible websites the data collected relative to the arrest, charge, or conviction of illegal aliens.

Requires all state entities to promptly respond to requests from the Attorney General concerning matters of illegal immigration that are or may become the subject of litigation involving the State.

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FISCAL IMPACT:

Increase State Expenditures – Exceeds \$250,000/FY24-25

Increase Local Expenditures – Exceeds \$7,125,000/FY24-25*

Exceeds \$6,175,000/FY25-26 and Subsequent Years*

Assumptions:

- The proposed legislation requires the review of currently policies, procedures, and practices of every state department, agency, commission, board, or entity. Further, the proposed legislation requires the state entity to adopt policies, procedures, and practices to collect and analyze data relative to illegal aliens.
- Based on the responses of various state entities, no entity readily collects information relative to a person’s immigration status as there is no convenient method for determining a person’s status.
- The proposed legislation will require modifications to several state databases and case management systems. It is assumed that the one-time cost to update these systems will exceed \$250,000.
- It is assumed that every state department, agency, commission, board, office, or entity can comply with the provisions of this legislation, including reviewing and reporting requirements, without additional personnel.
- The proposed legislation requires local law enforcement entities to collect this information from every person arrested, charged, or convicted of a criminal offense.
- It is assumed that each county will have to update law enforcement case management systems to collect, analyze, and report this information to the state. It is assumed that the cost to update a local system will be an average one-time cost of \$10,000 and that approximately 95 systems will require the update. The proposed legislation will increase local expenditures by \$950,000 (\$10,000 x 95 counties) in FY24-25.
- Based on the TBI’s *Crime in Tennessee Report* from 2021, 2020, and 2019, there have been an average of 281,696 arrests per year. It is assumed that the increase in workload will result in a minimum of 95 additional local government full-time employees (FTE) statewide to assist local law enforcement in collecting, analyzing, and reporting the arrest records.
- It is assumed that the average cost of an FTE for each county will be at least \$65,000. The proposed legislation will result in a mandatory increase of local expenditures of at least \$6,175,000 (\$65,000 x 95 counties) in FY24-25 and subsequent years.
- The proposed legislation will result in a mandatory increase of local expenditures of at least \$7,125,000 in FY24-25 (\$950,000 + \$6,175,000) and of at least \$6,175,000 in FY25-26 and subsequent years.

*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.

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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