

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 437 - HB 451**

March 4, 2023

**SUMMARY OF BILL:** Enacts the *Tennessee Immigration Transparency Act*.

Requires the Department of Safety (DOS) to establish and operate an online data entry form to permit persons to report an unauthorized immigrant being housed or transported within the state, and to enable DOS to receive such information from a credible source, no later than January 1, 2024. Requires, if there is a factual basis to believe a violation of state law, local ordinance, or a business license regulation has occurred, DOS to forward the information received to the appropriate law enforcement agency for investigation and verification. Requires DOS to investigate such allegations if the local law enforcement agency fails to do so. Requires DOS to place detailed information regarding reports of housing or transporting unauthorized immigrants within the state on the department's website. Requires DOS to develop an appeal process for persons to contest the information posted on the department's website.

**FISCAL IMPACT:**

**Increase State Revenue –**

**\$201,600/FY23-24/Strategic Technology Solutions**

**\$10,000/FY24-25 and Subsequent Years/Strategic Technology Solutions**

**Increase State Expenditures –**

**\$957,000/FY23-24/General Fund**

**\$545,000/FY24-25 and Subsequent Years/General Fund**

**\$201,600/FY23-24/Department of Safety**

**\$10,000/FY24-25 and Subsequent Years/Department of Safety**

**Other Fiscal Impact –** Passage of the proposed legislation could jeopardize federal grant funding received by the Department of Finance and Administration's Office of Criminal Justice Programs in FY23-24 and subsequent years.

Assumptions:

- Based on information provided by DOS, the Tennessee Highway Patrol will require one additional Sergeant position and four additional Trooper positions to meet the investigative responsibilities of the proposed legislation.
- The increase in state expenditures to the General Fund related to the additional positions is estimated to be \$957,006 (\$302,604 salary + \$86,902 benefits + \$567,500 equipment, vehicles, training, communication) in FY23-24 and \$545,006 (\$302,604 salary + \$86,902 benefits + \$155,500 equipment, vehicles, training, communication) in FY24-25 and subsequent years.
- In addition, DOS will need to build a web-based platform to receive reports and store the relevant information. DOS will contract with Strategic Technology Solutions (STS) within the Department of Finance and Administration (F&A) to build the platform and provide annual maintenance and storage.
- As provided by F&A and DOS, the increase in state expenditures to the DOS to build the platform is estimated to be \$201,600 in FY23-24; the recurring increase in state expenditures to the DOS related to platform maintenance and server storage is estimated to be \$10,000 in FY24-25 and subsequent years. This will result in an equivalent increase in revenue to STS in those fiscal years.
- It is assumed that the proposed legislation could increase the burden on local law enforcement agencies due to an increased number of investigations related to the relevant referrals. However, the legislation provides that the DOS must investigate the allegations if a local agency fails or refuses to do so. It is assumed that local law enforcement agencies will comply with the proposed requirements to the extent that they are able within the agencies' respective existing resources, and that, to the extent they are unable to do so, the DOS will assume responsibility for any such investigations. Therefore, any fiscal impact to local law enforcement related to additional investigations is estimated to be not significant.
- Based on information provided by F&A, passage of the proposed legislation could jeopardize federal grant funding received by the Office of Criminal Justice Programs (OCJP).
- Approximately \$59,570,220 in annual federal funding received by the OCJP requires the protection of personally identifying information and locations for victims of domestic violence, sexual assault, and human trafficking. To the extent that the proposed legislation compromises the identities or locations of such individuals at domestic violence shelters, family safety centers, rape crises centers, human trafficking providers, or otherwise, such federal funding could be halted in whole or in part.

**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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