



## FISCAL MEMORANDUM

### SB 491 - HB 1351

February 27, 2023

**SUMMARY OF BILL AS AMENDED (004622):** Deletes a provision that allowed for anyone incurring a wrong, injury, loss, damage or expense resulting from any act or failure to act on the part of any deputy appointed by the sheriff to bring suit against the county in which the sheriff serves if the deputy was acting by virtue of or under the color of the office. Deletes a related provision that waived immunity for sheriffs in such situations.

### FISCAL IMPACT OF BILL AS AMENDED:

**Other Fiscal Impact – The fiscal impact to local government resulting from the removal of this provision and its effects on the outcome of any such current or future suits cannot be determined with any reasonable certainty.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 8-8-301(a), no sheriff, whether elected or appointed, nor any surety on the sheriff's bonds, shall be liable for any wrongs, injuries, losses, damages or expenses incurred as a result of any act or failure to act on the part of any deputy appointed by the sheriff, whether the deputy is acting by virtue of office, under color of office or otherwise.
- The proposed legislation does not impact this provision and, therefore, will not result in an increase in expenditures as related to a sheriff's liability.
- Tennessee sheriffs and sheriff deputies are entitled to qualified immunity.
- The proposed legislation may result in a decrease in the liability of counties as it relates to the actions of any deputy appointed by the sheriff serving the county. However, the potential impact of the removal of this provision on the outcome of any such current or future suits cannot be determined with any reasonable certainty.

### CERTIFICATION:

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

Krista Lee Carsner, Executive Director