

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1802 – HB 2611

March 7, 2024

SUMMARY OF BILL: Authorizes the Attorney General and Reporter (AG) to investigate human trafficking offenses, organized crime offenses, and any criminal act which arises out of, is related to, or affects an investigation, prosecution, or other proceeding which the AG is currently authorized to conduct.

Authorizes the AG to prosecute such criminal offenses if the AG seeks written consent from a District Attorney General (DAG) to conduct the criminal proceedings, including grand jury proceedings, which the DAG is authorized to conduct in that district.

Requires the DAG to certify in writing to the AG within 21 days any reasons for denying or otherwise not consenting to authorize the AG to conduct the criminal proceedings. If the DAG denies consent to the AG, the AG is authorized to petition the Supreme Court to appoint the AG, or an Assistant AG, as a DAG pro tempore for the sole purpose of prosecuting persons accused of committing an offense. Authorizes the Tennessee Bureau of Investigation (TBI) to provide assistance to the AG as needed.

Authorizes the AG or a Deputy or Assistant AG to exercise all of the powers and to perform all of the duties before a court or grand jury with respect to the prosecution that the appropriate DAG would otherwise be authorized or required by law to exercise or perform. Requires the appropriate DAG to fully cooperate with the AG and participate in the prosecution to the extent requested or approved by the AG.

FISCAL IMPACT:

Other Fiscal Impact – To the extent the Attorney General seeks to prosecute a criminal offense, there will be an increase in expenditures for additional staff and supplies to accommodate the increase in workload. Additionally, there will be an increase in state expenditures to the District Attorneys General Conference to retain outside counsel. The timing and amount of any increase in expenditures is dependent upon multiple unknown factors and cannot be determined with reasonable certainty.

Assumptions:

- Based on information provided by the District Attorneys General Conference (DAGC), the AGs office currently represents the DAG in litigation matters.

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- To the extent the AG prosecutes a criminal offense as opposed to the appropriate DAG:
 - The AG will require additional staff and supplies to accommodate the increase in workload; and
 - The DAG will require outside counsel for legal representation in litigation related to the dispute in cases.
- For any case the DAG denies consent to the AG, and the AG petitions the Supreme Court for appointment, the Supreme Court will be required to review the facts.
- Due to multiple unknown factors, including the number of times the AG will seek to prosecute a criminal case in place of the DAG, the number of times the DAGC will be required to retain outside counsel for legal representation, the rate per hour for outside legal counsel, and the number of hours outside counsel will work on any given case, any increase in state expenditures cannot be reasonably quantified.
- Based on information provided by the TBI, any assistance requested by the AG can be accommodated within existing resources; therefore, any fiscal impact to the TBI 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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