



February 9, 2022

SUMMARY OF BILL: Adds mandatory minimum fines of: \$1,000 for the offense of harassment; \$2,000 for the offense of stalking; and \$2,500 for the offense of aggravated stalking. Requires a court to order a child adjudicated delinquent for an act that, if committed by an adult, would constitute the offense of harassment, stalking, or aggravated stalking to perform hours of community service.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The proposed legislation requires a court to order a child adjudicated delinquent for an act that, if committed by an adult, would constitute the offense of harassment, stalking, or aggravated stalking.
- The proposed legislation further requires a court to order a child adjudicated delinquent for such offenses to perform 12 hours of community service for a first violation and 40 hours of community service for a second or subsequent violation.
- Pursuant to Tenn. Code Ann. § 37-1-131(a)(4)(B)(i)-(iii), a child is eligible for commitment to the Department of Children's Services (DCS), only if:
 - The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a felony if committed by an adult;
 - The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a misdemeanor if committed by an adult; and
 - The child has previously been adjudicated delinquent for two or more offenses arising from separate incidents that would constitute either a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor; or
 - The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the Department.
- In addition, pursuant to Tenn. Code Ann. § 37-1-131(a)(7)(F), the court is prohibited from placing a child in DCS custody or otherwise remove the child from the child's

home for failure to complete community service work or satisfy conditions associated with community service work as ordered by the court.

- The proposed legislation will not result in an increase in the number of children committed to the DCS.
- Passage of this legislation will have no effect on policies or procedures of the DCS; therefore, any fiscal impact to DCS is not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.

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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