

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2414 - HB 2417

February 12, 2018

SUMMARY OF BILL: Authorizes the creation of first responder treatment court programs through the Department of Mental Health and Substance Abuse Services (DMHSAS). Authorizes the DMHSAS to fund the first responder treatment court through fees. Creates a \$50 fee for drug-related criminal convictions in counties establishing or operating a first responder treatment court program.

ESTIMATED FISCAL IMPACT:

Increase State Revenue –

\$22,100/Earmarked for First Responder Treatment Court Programs

Increase State Expenditures – Less than \$22,100/First Responder

Treatment Court Programs

Increase Local Revenue –

\$88,400/Earmarked for First Responder Treatment Court Programs

Increase Local Expenditures – Less than \$88,400/First Responder

Treatment Court Programs/Permissive

Assumptions:

- The proposed legislation authorizes a judge of a court of this state exercising criminal jurisdiction to establish a first responder court or to operate a first responder court track created within an existing certified drug court.
- The number of first responder treatment court programs that will be formed is unknown. It is assumed each first responder court program in Tennessee will be established as a specialized court docket or an expansion of an existing drug court or mental health court rather than a completely new court.
- The proposed legislation requires a \$50 fee in addition to fees required by Tenn. Code Ann. § 16-22-109 (a) and (c) from any person who does one of the following with regard to any offense under the *Tennessee Drug Control Act*:
 - enters a plea of guilty;
 - enters a plea of nolo contendere;

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- is adjudicated at trial;
 - enters a plea pursuant to any of the diversionary sentencing statutes to any criminal offense for attempt or conspiracy to commit any such offense, or for aiding, abetting, or acting in the capacity of an accessory in the commission of any such offense; or
 - is found in violation of the terms and conditions of a suspended sentence imposed for any criminal offense.
- The first \$10 of each \$50 assessment is to be paid to the clerks of the court imposing the assessment; it is then required to be transferred to the Department of Treasury (Treasury) and deposited to the state General Fund to be earmarked for use by the DMHSAS for funding first responder treatment court program administration.
- The remaining \$40 of each \$50 assessment is to be deposited by the clerk of the collecting court into a dedicated county fund and used by the county exclusively for the operation and maintenance of first responder treatment court programs in the county.
- The current number of drug offenders paying into the Alcohol and Drug Addiction Treatment (ADAT) program is 14,732.
- Assuming 15 percent of drug offenders, or 2,210 (14,732 x 15.0%) will pay the \$50 fee in addition to other currently required fees, the recurring increase in revenue is estimated to be \$110,500 (2,210 x \$50). Of this amount, \$22,100 [2,210 x (\$50 - \$40)] would be state funding designated for administrative costs and \$88,400 [2,210 x (\$50 - \$10)] would be county funding for operation and maintenance of the court program.
- Public Chapter 453 of 2015 authorized the creation of veterans treatment court programs. DMHSAS currently administers nine such courts, six of which were created after passage of Public Chapter 453. Administration of such courts did not necessitate a director position.
- There are approximately 450,000 veterans in the state and 25,000 first responders. It is assumed that the number of first responder courts created will be less than the number of veterans courts and that DMHSAS will be able to administer such courts without needing additional positions.
- Any other administrative expenditures to the DMHSAS will be offset with the new fee and are estimated to be less than \$22,100.
- The permissive recurring increase in local government expenditures for operation and maintenance of the court program is estimated to be less than \$88,400.
- Based on information provided by the Department of Commerce and Insurance (DCI), the proposed legislation will have minimal impact on the Tennessee Law Enforcement Training Academy, the Tennessee Peace Officer Standards and Training Commission or other programs within the DCI; therefore, any fiscal impact is estimated to be not significant.
- Based on information provided by the District Public Defenders Conference, any increase in cases can be accommodated within existing resources without an increased appropriation or reduced reversion.
- It is assumed the District Attorney Generals Conference can accommodate the proposed legislation within existing resources without an increased appropriation or reduced reversion.

CERTIFICATION:

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



Krista M. Lee, Executive Director

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