

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1642**

January 19, 2024

**SUMMARY OF BILL:** Requires a magistrate to give first consideration to ensuring the safety of the community when making a determination on whether or not to release a defendant pending trial and what, if any, conditions should be imposed on such a release.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-11-115(a)-(b), the safety of the community is currently required to be reasonably ensured when a magistrate is making determinations regarding whether or not to release a defendant pending trial and what conditions, if any, are imposed on such a release.
- It is assumed that magistrates across the state are currently prioritizing the potential impacts to public safety as required when making these determinations, alongside trying to ensure the appearance of the defendant at trial.
- While the process of such determinations is highly subjective, and it is possible that explicitly prioritizing the public safety consideration may alter the determination of a magistrate in any given case, it is assumed that the cumulative impact on state and local incarceration rates will be not significant.
- Any fiscal impact to state or local government is therefore 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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