

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 141 - HB 473

March 25, 2019

**SUMMARY OF ORIGINAL BILL:** Extends the termination date of the Private Probation Services Council to June 30, 2021. Under the *Tennessee Governmental Entity Review Law*, the Council is scheduled to terminate on June 30, 2019.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (006243):** Adds language to the original bill to require certain applicants for employment with a private probation service to submit to a fingerprint-based criminal history records check conducted by the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI), and pay any reasonably costs incurred by the TBI or FBI while conducting an investigation of an applicant.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Revenue – Exceeds \$1,800/Tennessee Bureau of Investigation**

**Increase State Expenditures –  
Exceeds \$1,100/Tennessee Bureau of Investigation**

Assumptions for the bill as amended:

- This legislation continues an existing entity at its current funding level.
- Pursuant to Tenn. Code Ann. § 4-29-121, all regulatory boards are required to be self-supporting over any two-year period.
- According to the Department of Commerce and Insurance, the Council experienced a surplus of \$34,548 in FY16-17, a surplus of \$13,374 in FY17-18, and had a cumulative reserve balance of \$702,894 on June 30, 2018.
- Pursuant to Tenn. Code Ann. § 16-3-909(a)(7), the Council is required to promulgate rules and regulations requiring criminal records checks of all private probation officers; and pursuant to permanent rule 1177-01-.03(d), all entities licensed to provide private

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probation services in Tennessee are required to submit sworn criminal record reports on each employee of, or volunteer for, the entity.

- The proposed legislation:
  - Establishes that such records checks will be fingerprint-based and be conducted by the TBI and FBI;
  - Requires applicants to pay any reasonable costs incurred by the TBI and FBI; and
  - Applicants are authorized to provide a copy of their initial criminal history records check if applying with multiple private probation service providers in lieu of paying for multiple checks.
- Fingerprint-based criminal history records checks cost \$35.15 each, payable to the TBI. The TBI reports a cost for vendor fingerprinting of \$8.65 and \$13.25 for the FBI per background check.
- As of May 2018, there were 32 actively licensed private probation entities in Tennessee.
- While a precise number of persons who will apply to be a private probation officer is unknown; it is reasonably assumed there will be at least 50 per year.
- The proposed legislation is estimated to result in a recurring increase in state revenue for the TBI exceeding \$1,758 (50 applicants x \$35.15 per applicant); and a recurring increase in state expenditures for the TBI exceeding \$1,095 [50 applicants x (\$8.65 vendor fee + \$13.25 FBI fee)].

## **CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

/jrh