



March 15, 2019

SUMMARY OF BILL: Requires the Administrative Director of the Administrative Office of the Courts (AOC) to develop and administer a text messaging program to remind criminal defendants to appear at their scheduled hearings in municipal and criminal courts to begin no later than July 1, 2020. Authorizes the Administrative Director to issue a request for proposals to identify third-party vendors.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$155,000/One-Time
\$71,200/Recurring**

Increase Local Expenditures – Exceeds \$5,000/One-Time*

Assumptions:

- It is estimated that the AOC will not be required to acquire all criminal defendant information and court appearance information from the various clerks' offices. Tennessee is a non-unified court system. The state funds state court judges, and the counties fund general sessions and juvenile judges and all clerks, whether state or local (and many serve as clerk for both state and local courts).
- As a result, the AOC does not collect the detailed information (such as cell phone numbers) on every criminal defendant that would be impacted by this legislation. Also, the AOC does not collect information regarding the court appearances that would be required under this legislation, such as individual defendant's court dates, times, locations, etc. Such information is collected by the clerks.
- Therefore, it is estimated that text messages would be sent by the criminal court clerks' offices. It is further estimated that the AOC will pay for the costs associated with establishing this program in each office, but that daily operations of sending out texts would be the responsibility of the criminal court clerks' offices.
- There are 95 counties in Tennessee. Generally, each county has one criminal court clerk's office and one general sessions criminal court clerk's office, meaning there are approximately 190 clerk's offices with criminal court jurisdiction.
- According to the most recent AOC weighted caseload study (FY16-17), there were approximately 175,000 criminal filings/charges brought in the state criminal courts in that fiscal year. Typically, a defendant is charged with multiple crimes/charges. Therefore, it is reasonably estimated that there are approximately 87,500 criminal defendants for those 175,000 filings.

- Currently, there is not a system in place to track general sessions court data, but historically, it has been estimated that the total general sessions cases/defendants exceeds by 10 times that of the criminal courts; therefore, it is estimated there will be approximately 875,000 ($87,500 \times 10$) criminal defendants within the general sessions court system impacted by this legislation each year.
- The total defendants across all the court systems are estimated to exceed 962,500 ($87,500 + 875,000$) each year.
- Under the provisions of this legislation, each defendant is to receive a least two text message reminders prior to all scheduled court appearances, if the Administrative Director has a working mobile telephone number for the criminal defendant and the mobile telephone has the capability to receive text messages.
- In 2017, New York City implemented a similar program. The city has reported that it had access to approximately 11 percent of defendants' mobile phone numbers that were able to receive text messages.
- It can be reasonably estimated that the court clerks will have access to a similar percentage; therefore, approximately 105,875 ($962,500 \times 11\%$) will be eligible under this program.
- Many defendants have more than one court appearance. It is estimated that approximately 50 percent, or 52,938 ($105,875 \times 50\%$), of those would have two court appearances. It is estimated that 10 percent, or 10,588 ($105,875 \times 10\%$), of those would have three court appearances.
- Under the provisions of this legislation, AOC is authorized to issue a request for proposals to identify third-party vendors to implement this system.
- Based on vendor estimates, it costs \$0.005 (one-half cent) per text message "segment." A segment is 160 characters. This legislation requires date, location and time of the court appearance, as well as contact information for questions related to the court appearance. It is estimated one text will contain three segments, meaning each text will cost \$0.015 ($\0.005×3). Each defendant is required to get two pre-court appearance texts, meaning it will cost \$0.03 ($\0.015×2) per criminal defendant per court appearance.
- The recurring increase in state expenditures with relation to sending pre-court appearance text messages is estimated to be \$5,082 [$(105,875 + 52,938 + 10,588) \times \0.03].
- It is further estimated that some defendants would respond via text to these text messages. It costs \$0.005 to receive a text segment.
- It is estimated that an average of 50,000 defendants would respond at least once using one segment, resulting in a recurring increase in state expenditures estimated to be \$250 ($50,000 \times \0.005).
- Under the provisions of this legislation, AOC is further required to send text messages to defendants who fail to appear. It is estimated that approximately 20 percent of criminal defendants fail to appear at each court appearance.
- Therefore, approximately 33,880 [$(105,875 + 52,938 + 10,588) \times 20\%$] additional three-segment texts will need to be sent, resulting in a recurring increase in state expenditures estimated to be \$1,016 ($33,880 \times \0.03).
- The total recurring increase in state expenditures in relation to text messages is estimated to be \$6,348 ($\$5,082 + \$250 + \$1,016$).

- Third-party vendors estimate it will cost approximately \$1,000 per county to implement the program, resulting in a one-time increase in state expenditures of \$95,000 (\$1,000 x 95). There is expected to be additional maintenance costs, but it is not yet determinable what those costs may be.
- Under the provisions of this legislation, AOC is required to collect and track data concerning the number of criminal defendants who fail to appear at scheduled court appearances despite having been sent one or more reminders to a working mobile telephone number. Currently, 87 counties and their clerks' offices utilize the Tennessee Court Information System (TnCIS), which is operated and maintained by AOC, for many tasks, including collecting and tracking court statistics.
- Based on information provided by AOC and verified by the third-party vendor in charge of TnCIS, there would be a one-time increase in state expenditures of \$60,000 to add collection, tracking and reporting of the defendant who received a text and failed to appear in court.
- It is further estimated the other eight non-TnCIS counties would incur some costs to update their respective case management systems. It can be reasonably estimated the mandatory increase in one-time local expenditures will exceed \$5,000.
- It is estimated that to fulfill the provisions of this legislation, AOC would need to hire one full-time employee as a systems administrator to issue the RFP, examine the proposals and vendors, select the vendor, assist the vendor in implementing the program statewide, and act as a statewide point of contract for the clerks' offices as they utilize this program.
- The recurring increase in state expenditures in salary and benefits for the new position is estimated to be \$64,866 (\$50,000 salary + \$14,866 benefits).
- The total one-time increase in state expenditures as a result of this legislation is estimated to be \$155,000 (\$95,000 + \$60,000).
- The total recurring increase in state expenditures as a result of this legislation is estimated to be \$71,214 (\$6,348 + \$64,866).
- The one-time mandatory increase in local expenditures as a result of this legislation is estimated to exceed \$5,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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