

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1266 - SB 1239

March 9, 2023

SUMMARY OF BILL: Changes the lawful process by which a law enforcement officer, district attorney general or designee, or the Attorney General or designee may compel the disclosure of stored wire or electronic communications and related transactional records from the procedures and conditions provided for by the laws of the United States, to only the extent provided in a warrant issued by a judge. Eliminates the use of a subpoena to compel production of such records.

FISCAL IMPACT:

Other Fiscal Impact – There will be a recurring increase in state and local expenditures of an unknown amount in FY23-24 and subsequent years to agencies and entities tasked with investigating crime.

Assumptions:

- Based on information provided by state and local law enforcement agencies, eliminating the use of a subpoena and requiring a warrant from a judge in order to compel disclosure or production of such records is a significant policy and investigative procedure change that will have a significant impact on state and local agencies tasked with investigating crime.
- However, it is assumed that these impacts will be realized mostly in the form of increased hours and workload required for any given investigation. Due to multiple unknown variables including how many such cases will be impacted each year, the extent to which they will be hindered or impacted, and the additional time and resources that will be required as a result, the precise fiscal impact is not known and cannot be reasonably quantified.

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".

Krista Lee Carsner, Executive Director