

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1575 – HB 2106

April 10, 2018

SUMMARY OF ORIGINAL BILL: Changes from 30 to 15 days the length of time a sheriff has to notify the county legislative body and the Department of Correction (DOC) that an inmate has escaped during work detail.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017105): Deletes and rewrites the proposed legislation to add juvenile offenders to Tenn. Code Ann. § 41-4-121 regarding the safekeeping of prisoners and sufficient jails. Authorizes, rather than requires, a court to order commitment to another jail if required for the safekeeping of the prisoner. Broadens a court's authorization to commit juvenile prisoners to sufficient jails. Allows for adjudicated juveniles to be transferred to state penitentiaries for safekeeping purposes.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 41-4-121(a) allows a sheriff to transfer a prisoner to a nearby jail for the prisoner's safekeeping if the county jail is insufficient for the safekeeping of the prisoner.
- Tennessee Code Annotated § 41-4-121(b) requires a court to order commitment to a nearby county jail when the court is shown that the county in which commitment should be made is insufficient for the safekeeping of the prisoner.
- The proposed legislation adds adjudicated juvenile offenders to those prisoners that may be transferred under Tenn. Code Ann. § 41-4-121 for their safekeeping.
- The proposed legislation allows the judge of any circuit, criminal or general sessions court the discretion, rather than requiring the court, to determine if the commitment to another jail or prison is necessary for the safekeeping of the prisoner.

SB 1575 – HB 2106

- The Department of Children Services (DCS) reports that there have been no juvenile offenders transferred from the DCS juvenile detention facilities to the Department of Correction (DOC) facilities for safekeeping purposes over the past 10 years.
- Based on information received from DCS and DOC, it is estimated that the proposed legislation will not result in a significant number of adjudicated juveniles being transferred to DOC for safekeeping. Any impact on state or local expenditures will be not significant.
- The proposed legislation requires that all orders issued under Tenn. Code Ann. § 41-4-121 be reviewed every 30 days to determine if the order issued should remain in place, be modified or terminated. In evaluating whether the order needs to remain in place, the court shall consider the jail or juvenile detention facilities' obligations relative to the use of restrictive housing.
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

CERTIFICATION:

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



Krista M. Lee, Executive Director

/alm