

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2270 - SB 2736

February 19, 2022

SUMMARY OF BILL: Enacts *Nicholas' Law*. Establishes that a prior conviction of boating under the influence must be treated the same as a prior conviction of driving under the influence for the purpose of determining penalties for a conviction of driving under the influence if the person was convicted of the prior offense within 10 years of the date of the present violation.

Establishes that a prior conviction of driving under the influence must be treated the same as a prior conviction of boating under the influence for the purpose of determining penalties for a conviction of boating under the influence if the person was convicted of the prior offense within 10 years of the date of the present violation.

Requires a person who lost driving privileges as a result of a conviction of driving under the influence, and who is seeking to reinstate those privileges, to submit to the Department of Safety (DOS) a report from an accredited laboratory demonstrating negative screening results for the substance that was the basis for the person's conviction. Stipulates that the report must be dated within 30 days of the person's request for reinstatement.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Based on information provided by the Administrative Office of the Courts, during the last three fiscal years there was an average of two annual convictions in state courts for boating under the influence.
- It is assumed that only 10% of convictions for any given offense occur at the state level. Therefore, the average annual number of convictions statewide for boating under the influence is estimated to be 20 (2 x 10).
- It is unknown how many offenders of either boating or driving under the influence are also subsequently convicted of the other offense, or how many may be in the future. However, it is assumed to not significantly increase state or local incarcerations.
- According to DOS, the department's A-List driver license system will need to be updated to add a new reinstatement requirement for a DUI offender to include substance screening results and other changes.

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- It is assumed the requisite updates to the A-List system can be accomplished by the relevant vendor under the existing contractual agreement without a need for additional expenditures; therefore, any fiscal impact to DOS is estimated to be not significant.
- Any increase in revenue related to increased substance screening tests will be realized by private parties.

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". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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