

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2250 - HB 2429

February 29, 2024

SUMMARY OF BILL: Establishes that the court, rather than the sheriff or chief administrative officer of the local jail or workhouse, may authorize the use of alternative facilities for the incarceration of a person convicted of driving under the influence (DUI).

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 55-10-402(f)(1), an offender sentenced to a period of incarceration for a violation of DUI, shall be required to commence service of the sentence within 30 days of conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse within such time, as soon as such space is available. The sheriff or chief administrative officer of a local jail or workhouse may use alternative facilities for the incarceration of an offender convicted for a violation of DUI.
- The proposed legislation removes the authority to place such offenders in alternative facilities from the sheriff and chief administrative officer of the local jail and places that authority with the court.
- Pursuant to Tenn. Code Ann. § 55-10-402(f)(2), for these purposes, alternative facilities include, but are not limited to, vacant schools or office buildings or any other building or structure that would be suitable for housing DUI offenders for short periods of time on an as-needed basis and licensed through the Department of Mental Health and Substance Abuse Services (DMHSAS).
- The proposed legislation makes no other changes regarding this process and places no additional requirements or considerations on the court when deliberating such.
- Transferring this authority to the court is therefore not expected to significantly impact the number of DUI offenders ordered to serve their time in alternative facilities. The legislation is not estimated to significantly impact the revenue or expenditures of such facilities. DMHSAS states that it will have no significant impact on the department.
- The legislation is not estimated to significantly impact the number of days that such offenders spend incarcerated in local jails. Any fiscal impact related to incarceration is estimated to be not significant.
- The courts can review such cases and issue such orders within existing resources.
- Any fiscal impact to state or local government is estimated to be not significant.

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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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