

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 96 - SB 202**

March 9, 2023

**SUMMARY OF BILL:** Creates the Tennessee Witness Protection and Relocation Program (Program), for the purpose of creating intrastate and interstate compacts to coordinate witness protection, relocation, and assistance services within the state and with contiguous states for the benefit of witnesses in criminal proceedings. The Department of Finance and Administration's (F&A) Office of Criminal Justice Programs (Office) shall administer this Program.

Requires the Office, in consultation with the Attorney General and Reporter (AG), to compose a basic memorandum of understanding to be executed by each law enforcement agency participating in the Program. Details certain benefits participating law enforcement agencies may provide witnesses. Authorizes the Office to solicit and receive grants, donations, and private funding to assist in implementation of the Program. Requires that any unspent funds at the end of the fiscal year carryover to subsequent fiscal years, indefinitely.

Requires the Office to submit a report by July 1 each year, detailing the number of law enforcement agencies participating in the program, the number of witness who have received assistance from the program in the previous year, and the result of any criminal proceedings involving the witnesses.

**FISCAL IMPACT:**

**Increase State Expenditures - \$925,600/FY23-24  
\$897,600/FY24-25 and Subsequent Years**

**Increase Local Revenue - \$400,000/FY23-24 and Subsequent Years/Permissive**

**Increase Local Expenditures - \$400,000/FY23-24 and Subsequent Years/  
Permissive**

**Other Fiscal Impact – Solicitation for funds by the Office of Criminal Justice Programs may aid in funding for the Program; however, the amount of funds received for such purpose, if any, cannot be determined with any reasonable certainty.**

## Assumptions:

- Based on information from the F&A, the Department does not currently possess the expertise to run this program and would require additional positions to adequately administer it.
- In order to carry out the provisions of the proposed legislation, the Office will need to create intrastate and interstate compacts, which could necessitate working with law enforcement agencies in all 50 states, as well as up to 355 local law enforcement agencies in Tennessee.
- In addition to creating compacts with law enforcement agencies, the Office will also need to seek grants, donations, and private funding to aid the Program, and create a billing system to reimburse local law enforcement for the costs of witness protection and relocation.
- The Department will require four additional positions (one General Counsel 2 position, one Planning Analyst 4 position, one Fiscal Planning Analyst 5 position, and one Accountant 3 position).
- For administrative and budgetary purposes, this legislation takes effect July 1, 2023. For all other purposes, this legislation takes effect January 1, 2024.
- It is assumed that such new positions will be filled on July 1, 2023 in order for training and establishment of this new Program.
- There will be a one-time increase in state expenditures in FY23-24 of \$28,000 [(\$4,000 computer cost + \$3,000 training) x 4].
- There will be a recurring increase in state expenditures associated with such positions of \$497,582 (\$373,404 salary + \$90,546 benefits + \$21,800 administrative costs + \$9,600 technology + \$2,232 Westlaw subscription).
- A total increase in state expenditures of \$525,582 (\$497,582 + \$28,000) in FY23-24, and a recurring increase in state expenditures of \$497,582 in FY24-25 and subsequent years.
- It is assumed the Program will reimburse participating law enforcement agencies for expenses incurred by agencies during the protection of witnesses.
- Based on information from the U.S. Marshals Service, as of 2022, the Office had approximately 19,000 participants in the Witness Protection Program since 1970, or in a span of 52 years.
- An average yearly number of participants of 365 (19,000 participants / 52 years).
- Based on information from the 2020 U.S. Census, the United States had a population of 331,449,281 and Tennessee had a population of 6,910,840.
- Tennessee accounts for approximately 2.09 percent of the total U.S. population.
- Tennessee is expected to have 8 annual participants of its witness protection program in any given year (365 x 2.09%).
- The annual reimbursement per participant is estimated to be \$50,000.
- A recurring permissive increase in local expenditures in FY23-24 and subsequent years of \$400,000 (8 participants x \$50,000).
- A recurring permissive increase in local government revenue in FY23-24 and subsequent years of \$400,000.
- A recurring increase in state expenditures in FY23-24 of \$400,000.

- A total increase in state expenditures in FY23-24 of \$925,582 (\$525,582 + \$400,000).
- A recurring increase in state expenditures in FY24-25 and subsequent years of \$897,582 (\$497,582 + \$400,000).
- Any increase in expenditures relating to compiling and producing the required reports is estimated to be not significant.
- Solicitation of grants, donations, and private funding may aid in funding for the program; however, the amount of funds received for such purpose, if any, cannot be estimated with reasonable certainty.

**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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