

HB 33 – SB 218

FISCAL NOTE



Fiscal Review Committee
Tennessee General Assembly

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SUMMARY OF BILL: Establishes a presumption that a defendant should not be released on personal recognizance if the defendant is charged with an offense that involved the use or display of a firearm or resulted in the serious bodily injury or death of the victim. Requires, if the magistrate determines this presumption to have been rebutted, the magistrate to include in a bail order the written findings for each factor that the law authorizes the magistrate to consider in such determinations.

FISCAL IMPACT:

OTHER FISCAL IMPACT

Passage of the proposed legislation may result in an increase in local incarceration expenditures; however, the precise timing and impact is dependent on multiple unknown factors and cannot be determined with reasonable certainty.

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-11-115(a), any person charged with a bailable offense may, before a magistrate authorized to admit the person to bail, be ordered released pending trial on the person's personal recognizance, or upon the execution of an unsecured appearance bond in an amount specified by the magistrate, or with conditions of release, which may include the deposit of bail.
- Pursuant to Tenn. Code Ann. § 40-11-115(d), a person charged with any of the following offenses is prohibited from being released on their own recognizance without the approval of a general sessions judge, criminal court judge, or circuit court judge having jurisdiction over the current charges:
 - A Class A or Class B felony offense;
 - Aggravated assault;
 - Aggravated assault against a law enforcement officer or first responder; or
 - Domestic assault.
- Establishing a presumption that a defendant should not be released on personal recognizance if the defendant is charged with an offense that involved the use or display of a firearm or resulted in the serious bodily injury or death of the victim may result in an increase in local incarceration expenditures related to those defendants who are not successful in rebutting the presumption and are not subsequently able to either post bail or attain an unsecured appearance bond.

- However, due to multiple unknown factors, such as the number of persons that will be charged with the relevant offenses and are unable to rebut the presumption, their ability to post bail or execute an appearance bond, and the additional amount of time they would serve in local jail pending trial, the extent and timing of any such increase cannot be quantified with reasonably certainty.
- It is assumed that magistrates and other authorized officials can include in the bail order the written findings of considerations in the normal course of business. Any fiscal impact to the courts is therefore estimated to be not significant.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, slightly slanted style.

Bojan Savic, Executive Director