

# HB 34 - SB 221

## FISCAL MEMORANDUM



**Fiscal Review Committee**  
Tennessee General Assembly  
February 12, 2025

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**SUMMARY OF BILL AS AMENDED (003523):** Authorizes a court to use juvenile court records, including the disposition of a child and evidence adduced in a hearing, in pretrial reports used to set bonds if the juvenile court adjudication occurred within the previous five years. Requires, in determining the amount of bail necessary to reasonably assure the appearance of a defendant and the public's safety, a magistrate to consider the defendant's prior juvenile record.

### FISCAL IMPACT OF BILL AS AMENDED:

#### 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 for the bill as amended:

- Pursuant to Tenn. Code Ann. §§ 37-1-133 and 37-1-153, juvenile court records, including disposition and evidence, are only open for inspection and use by specifically authorized parties under certain circumstances.
- The proposed legislation expands these circumstances to include their use in pretrial reports used to set bonds, and requires the magistrate to consider the defendant's juvenile record when assessing the defendant's risk of danger to the community.
- It is reasonably assumed that requiring a magistrate to consider a defendant's prior juvenile record will in some cases result in bail being set in excess of what it otherwise would have been had the magistrate not had access to that information.
- It is further assumed that this will result in an increase in local incarceration expenditures due to an increase in defendants not being able to make bail, and thus remaining in a local jail while awaiting trial.
- Due to multiple unknown factors, such as the number of defendants with a problematic juvenile record that will come before a magistrate in a bail hearing, how a magistrate may weigh any given juvenile record in the context of other statutorily-required considerations, how often and to what extent the consideration of juvenile records will directly result in a higher bail amount, and whether or not such an increase was the determining factor in a defendant not being able to meet bail, the precise extent and timing of any such increase cannot be determined 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 "Bojan Savic". The signature is written in a cursive style with a large initial 'B' and a distinct 'S'.

Bojan Savic, Executive Director