

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 409 - HB 1131

March 20, 2019

SUMMARY OF BILL: Creates a rebuttable presumption that a person charged with a bailable offense will not violate the conditions of his or her release if the offense is expungable and the person has not been previously convicted of an offense that is ineligible for expunction. Requires such person to be released pending trial on the person's recognizance or upon the execution of an unsecured appearance bond.

ESTIMATED FISCAL IMPACT:

Decrease Local Revenue – Exceeds \$5,000,000

Assumptions:

- Based on information provided by the Tennessee Bureau of Investigation (TBI), the average number of expunctions processed by TBI per year is 64,000.
- TBI processes expunctions resulting from petitions and the completion of diversion programs.
- This analysis assumes 50 percent, or 32,000 (64,000 x 50%), of such expunctions result from petitions to the court; therefore, it is reasonable to assume that over 25,000 people each year charged with an offense eligible of expunction, with no prior conviction of an offense that is ineligible for expunction, will be released pending trial.
- The analysis estimates the average bail is \$4,000 per offender.
- This analysis estimates that 40 percent of eligible individuals charged would otherwise pay bail or have a bail bondsman to post bail on behalf of the individual.
- This analysis estimates that 35 percent of such individuals out on bail will have bail returned to the individual or the bail bondsman, resulting in local governments retaining five percent of bail paid (40% - 35%).
- The proposed legislation will result in a recurring decrease in local revenue estimated to exceed \$5,000,000 statewide (25,000 x \$4,000 x 5%).
- This analysis estimates that any decrease in local incarceration expenditures resulting from releasing individuals from local jail prior to a court hearing will be offset by an increase in local incarceration expenditures resulting from longer local incarceration sentences without the use of time served credits, additional processing efforts to release individuals, and law enforcement efforts resulting from released individuals reoffending. The net fiscal impact of such local efforts is 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 "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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