



March 17, 2023

SUMMARY OF BILL: Prohibits a person charged with a Class A or B felony from being released on their own recognizance without the approval of a general sessions judge, criminal court judge, or circuit court judge. Requires a person charged with the commission of a crime while free on bail to only be released on a secured surety bond.

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.
- Pursuant to Tenn. Code Ann. § 40-11-116(b), if a defendant does not qualify for a release upon recognizance, then a magistrate is authorized to impose conditions to assure the defendant's appearance in court, including, but not limited to, the deposit of bail.
- Requiring a person charged with a Class A or B felony receive approval from a trial court judge in order to be released on their own recognizance may result in an increase in local incarceration expenditures for persons who do not receive a judges approval and are unable to post bail.
- Pursuant to Tenn. Code Ann. § 40-11-148(a), when a defendant has been admitted to and released on bail for a criminal offense, whether prior to or during trial or pending appeal, and the defendant is charged with the commission of one or more bailable offenses while released on bail, the judge shall set the defendant's bail on each new offense in an amount not less than twice that which is customarily set for the offense charged.
- The proposed legislation requires a person charged with the commission of a crime while free on bail to only be released on a secured surety bond.
- Due to multiple unknown factors, such as the number of persons that will be charged with Class A or B felony and do not receive approval by the trial court judge to be released on their own recognizance, the number of persons unable to post bail, the

number of person's charged with the commission of a crime while free on bail that are unable to secure a surety bond and the additional amount of time such persons would serve in local jail pending trial, the extent and timing of any such increase cannot be quantified 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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