

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 941 - SB 1317**

March 2, 2023

**SUMMARY OF BILL:** Includes as a qualified defendant, for the purposes of determining eligibility for a judicial diversion, a healthcare provider who, in the course of the provider's official duties, unintentionally commits aggravated neglect of an elderly or vulnerable adult, or aggravated abuse of an elderly or vulnerable adult.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-35-313(a)(1)(A), such a deferral is conditioned on the defendant paying an amount between \$10-\$35 per month to compensate for expenses incurred by the entity supervising the defendant, as well as any or all additional costs of the defendant's supervision, counseling, or treatment based on the defendant's ability to pay.
- The payments are made to the clerk of the court, who is then responsible for disbursing the payments appropriately. For performing this service, the clerk of the court is permitted to retain five percent of the proceeds collected.
- However, in order to become eligible for a judicial diversion under the new criteria established in the proposed legislation, a defendant must:
  - Be a healthcare provider;
  - Commit one of the relevant offenses;
  - Have committed the offense in the course of the provider's official duties; and
  - Convince a judge the act was unintentional.
- It is assumed that very few defendants will meet such criteria as the average number of total admissions for such offenses is less than two per year.
- Therefore, it is further assumed that any increase in revenue to any state or local entity for fees associated with the supervision of the defendant, or to local courts deriving from the five percent collection fee is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 40-35-313(a)(3)(A), no order deferring further proceedings and placing such defendants on probation may be entered by the court on or after July 1, 1998, unless there is attached to it a certificate from the Tennessee Bureau of Investigation (TBI) stating that the defendant does not have a prior felony or Class A misdemeanor conviction.
- The TBI charges a \$100 fee for such certificates.

- The inclusion of these new defendants is not estimated to result in a significant increase in revenue to the TBI related to such certificates.
- Any fiscal impact to state or local government 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 "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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