

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 864 - SB 1324

March 28, 2019

SUMMARY OF ORIGINAL BILL: Defines the term “guardian” for purposes of criminal injury compensation as a legal guardian or custodian of a minor victim, or a person having custody, care, and control of a minor victim through a valid power of attorney.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures –
Exceeds \$36,000/Criminal Injuries and Compensation Fund

SUMMARY OF AMENDMENT (005135): Deletes all language from the enacting clause. Defines the term “guardian” for purposes of criminal injury compensation as a person having legal authority to provide for the care, supervision, and control of a minor child as established by law or court order.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under current law, a guardian of a minor victim can file a claim against the Criminal Injuries and Compensation Fund.
- According to the Department of the Treasury, the definition in this proposed legislation could result in additional individuals who were previously not eligible to receive criminal injury compensation on behalf of a minor to become eligible.
- Treasury also stated that there were 24 claims filed each year where the claimant could not prove that he or she was the minor’s guardian, and those claims were denied on the basis of custody.
- Assuming at least 50 percent, or 12 of such claimants, qualify for an average payment of \$3,000 from the Criminal Injuries and Compensation Fund as a result of this legislation, the recurring increase in state expenditures from the Fund will exceed \$36,000 (12 claims x \$3,000 per claim).
- Any administrative impact on the Department is estimated to be not significant.

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CERTIFICATION:

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

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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