

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1254 - SB 1361

March 13, 2021

SUMMARY OF BILL: Authorizes a person to seek attorney's fees in a civil asset forfeiture case when the claim is brought in a contested case hearing.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-33-217(f), a person who files an action pursuant to Tenn. Code Ann. § 40-33-215 is not prohibited from seeking attorney's fees for that specific action.
- Pursuant to Tenn. Code Ann. § 4-5-325(a), when a state agency issues a citation to a person, local governmental entity, board or commission for the violation of a rule, regulation or statute and such citation results in a contested case hearing, at the conclusion of such hearing, the hearing officer or administrative law judge may order such agency to pay to the party issued a citation the amount of reasonable expenses incurred because of such citation, including a reasonable attorney's fee, if such officer or judge finds that the citation was issued:
 - Even though, to the best of such agency's knowledge, information and belief formed after reasonable inquiry, the violation was not well grounded in fact and was not warranted by existing law, rule or regulation; or
 - For an improper purpose such as to harass, to cause unnecessary delay or cause needless expense to the party cited.
- It is estimated there will not be a sufficient enough number of attorneys' fees rewarded to the plaintiff in such cases to significantly increase state expenditures.

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, prominent 'B' and 'S'.

Bojan Savic, Interim Executive Director

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