

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1584 - SB 2949

February 17, 2024

SUMMARY OF BILL: Requires the Administrative Office of the Courts (AOC) to ensure that all circuit, criminal, chancery, general sessions, and county courts accurately, completely, and timely submit relevant information into either the Tennessee Bureau of Investigation's (TBI) FlexCheck database or directly to the TBI for entry into the Tennessee Instant Check System (TICS). Requires the TBI to review all databases of criminal history background information maintained by the TBI to determine how the process for submitting information to databases could be improved. Requires the TBI to submit a report to the Governor, the Speaker of the Senate, and the Speaker of the House of Representatives that identifies any barriers to complete, accurate, and timely reporting of information that is accessible in criminal history databases maintained by the TBI.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The report required by this legislation was previously required by the Governor's Executive Order 100, issued on April 11, 2023.
- Under that order, the TBI completed and submitted such a report to the Governor and the Speakers of the Senate and House of Representatives. Therefore, there will be no fiscal impact to the TBI.
- The executive order also required the AOC to ensure that the circuit, chancery, and general sessions courts accurately, completely, and timely submit the relevant information to the TBI. The AOC is assumed to be in compliance with that order.
- It is unclear how the AOC would ensure that all of the county level courts accurately, completely, and timely submit such information to the TBI.
- In the report submitted under the executive order, the TBI explained the difficulties with ensuring such compliance, as thus: 'The court is responsible for submitting the final disposition to the TBI. Final dispositions come to TBI via mail, fax, email, and electronically. Pursuant to T.C.A. § 8-4-115(a)(1)(C), TBI encourages courts and clerk's offices to submit electronically. However, we cannot force them to comply, and there are no consequences for non-compliance.'
- Likewise, the AOC has no ability to compel compliance.

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- However, it is assumed that all courts will comply with the provisions of this legislation; therefore, there is not expected to be a significant increase in state or local expenditures.

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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