



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-782, **Version:** 1

An ordinance repealing Section 2.56.135 of the Metropolitan Code of Laws pertaining to the assessment and collection of probation supervision fees.

WHEREAS, Section 2.56.135 of the Metropolitan Code of Laws was established by Ordinance No. BL-2006-1092 and Ordinance No. BL2008-176 to assess and collect fees to partially defray the cost of operating the division of probation; and,

WHEREAS, in October of 2020, PFM's Center for Justice & Safety Finance issued a report prepared for the Metropolitan Government entitled "Reducing Reliance on Criminal Fines & Fees" (the "Report") wherein PFM addresses the community impact of the current system of fines and fees as well as the potential of systematic reduction of fines and fees; and,

WHEREAS, the Report, among other things, recommends that the Metropolitan Council eliminate the probation supervision fee; and,

WHEREAS, the Metropolitan Council has determined that it is no longer in the best interest of its citizens to continue the assessment and collection of the probation supervision fee and desires to repeal Section 2.56.135 of the Metropolitan Code of Laws.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 2.56.135 of the Metropolitan Code of Laws established by Ordinance Nos. BL2006-1092 and BL2008-176 for the assessment and collection of a probation supervision fee be repealed in its entirety.

Section 2. That this ordinance shall take effect after its final adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance eliminates the supervision fees for probation services provided by the general sessions court. This fee was established in 1991 at a rate of \$20 per month. It was increased to \$25 per month in 2006, and to \$35 per month in 2008.

A 2020 fee study prepared for Metro by PFM's Center for Justice & Safety Finance recommended that the Council eliminate this fee to ease the financial burden on criminal defendants, many of whom lack the ability to pay the probation fees.

This ordinance is a companion to Resolution Nos. RS2021-988 and RS2021-989 approved on June 15, 2021, which eliminated the indigent defense fee and the courthouse security litigation tax as recommended in the PFM study.

The FY22 budget ordinance set aside \$662,500 in a contingency account to offset lost revenue as a result of the reduction of criminal fines and fees.