



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2021-989, **Version:** 1

A resolution repealing Resolution Nos. R84-128 pertaining to the assessment and collection of a fee to defray the costs of representing indigent defendants.

WHEREAS, Tenn. Code Ann. § 40-14-210 provides a fee is to be collected for the purpose of defraying the cost of representing indigent defendants (the "Public Defender Fee"); and

WHEREAS, on February 7, 1984, the Metropolitan Council adopted Resolution No. R84-128 approving the collection of the Public Defender Fee; 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 Public Defender 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 Public Defender Fee and desires to repeal Resolution No. R84-128 in its entirety.

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

Section 1. That Resolution No. R84-128 is hereby repealed in its entirety.

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

Analysis

This resolution repeals Resolution No. R84-128 pertaining to the indigent defense fee. Tenn. Code Ann. § 40-14-210 authorizes the Metropolitan Government, upon approval by a 2/3 vote of the Council, to collect a fee in the amount of \$12.50 for the purpose of defraying the costs of legal representation and support services provided indigent defendants in criminal proceedings. The Council approved this fee in 1984, and it has been collected on every felony and misdemeanor criminal case since then.

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 such fines and fees. This study is attached to the end of this analysis.