

**STATE OF TENNESSEE**  
OFFICE OF THE  
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February 6, 2008

Opinion No. 08-20

Distribution of Fees Collected for Victims of Crimes

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**QUESTION**

Is a county authorized to distribute the fees collected pursuant to Tenn. Code Ann. § 40-24-109 for victims of crimes to multiple agencies, provided each agency is qualified under the statute?

**OPINION**

No. Tenn. Code Ann. § 40-24-109 provides that the “victims assistance assessment” fees collected from defendants in criminal prosecutions may only be distributed to a single victim assistance program designated or established by the county legislative body prior to the assessment and collection of the fees.

**ANALYSIS**

In 2006, the legislature established a crime victim assistance fund to provide funding for programs designed to assist victims of crimes. Tenn. Code Ann. § 40-24-109. The statute authorized the collection of a “victim assistance assessment” of \$45.00 from any person convicted of a crime punishable by a fine of more than \$500.00. In relevant part, the Act provides as follows:

(a) The county legislative body of any county may elect to establish a program to assist victims of crime, their families and survivors or to provide funding or additional funding for an existing program established to assist victims. The type of programs for which this section may be utilized includes rape crisis centers, domestic violence shelters, victim of crime hotlines and information programs, individual, group and family counseling services, crisis intervention programs, support groups and other similar programs designed to assist victims of crime, their families or survivors.

(b)(1) If a county legislative body elects to establish or fund a program as authorized by this section, it shall, at the time of election, designate the program for which the assessment provided in subsection (c) will be used.

(2) No assessment authorized by subsection (c) shall be collected or transmitted until the county legislative body has elected to utilize this section and has designated the victim of crime program for which it will be dedicated.

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(g)(1) The victims assistance assessment shall be subject to the provisions of § 8-21-401 and shall be in addition to all other taxes, costs, and fines. The first three dollars (\$3.00) of each assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars (\$42.00) shall be transmitted to the county in which the offense occurred, for the exclusive use of the victims assistance program previously designated by the county legislative body.

(2) Upon transmittal to the victims program in the county, all funds collected pursuant to this section shall be used to defray the costs of providing the services to victims of crime designated by the program's mission statement and guidelines.

Tenn. Code Ann. § 40-24-109(a), (b), (g).

Tennessee courts have promulgated two cardinal rules of statutory construction. “The cardinal rule of statutory construction is to follow the plain meaning of the statute where the language is clear and unambiguous on its face.” *Jackson v. General Motors Corp.*, 60 S.W.3d 800, 804 (Tenn. 2001). “The cardinal rule of statutory construction is to effectuate legislative intent, with all rules of construction being aids to that end.” *Browder v. Morris*, 975 S.W.2d 308, 311 (Tenn. 1998). “Legislative intent or purpose is to be ascertained primarily from the natural and ordinary meaning of the language used, without forced or subtle construction that would limit or extend the meaning of the language.” *Hamblen County Educ. Ass'n v. Hamblen County Bd. of Educ.*, 892 S.W.2d 428, 431 (Tenn. Ct. App. 1994) (citing *National Gas Distributors, Inc. v. State*, 804 S.W.2d 66 (Tenn. 1991)). Thus, “If a statute is unambiguous, legislative intent is to be determined from the face of the statute . . . . It is not for the courts to question the wisdom of legislative enactment.” *Id.* at 432.

The Act on its face appears to contemplate the disbursement of funds to a single victim assistance program operating within a particular county. In subsection (a) a county legislative body is authorized to establish “a program” or fund “an existing program” designed to assist victims of crime. Subsection (b) specifies that the fee may not be assessed or collected until the county legislative body has “designated *the* program” for which the assessment will be used. Finally, subsection (g) directs that the fees collected shall be transmitted to the county for the “exclusive use of *the* victims assistance program previously designated.” Thus, the language of Tenn. Code Ann. § 40-24-109 is clear and unambiguous. Under the natural and ordinary meaning of the language, the statute authorizes a county legislative body to distribute funds collected from the fee assessment to a single victim assistance program designated or established prior to the assessment and collection of the fees. Moreover, there is no express language in the Act authorizing the

disbursement of the funds to more than one program or agency within a county, even if each program or agency provides services to victims of crime, their families or survivors.<sup>1</sup>

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<sup>1</sup>A review of the legislative history of the Act revealed no discussion by the General Assembly relative to this issue.