

# FISCAL NOTE

## SB 1221 - HB 897

April 14, 1997

**SUMMARY OF BILL:** Clarifies that a person is punishable as a principal to an offense if the offense was committed by another at the direction, request, command, and urging of that person for the purpose of a gang initiation. Under current law, the gang member or members who order the crime to be committed already could be punished as a principal since the current definition of criminal responsibility includes situations where a person, acting with the intent to promote an offense, solicits, directs, aids, or attempts to aid another to commit an offense.

### ESTIMATED FISCAL IMPACT:

#### Increase State Expenditures - Less than \$100,000

Under TCA 39-11-402 (2), a person is criminally responsible for an offense committed by the conduct of another if: (2) Acting with intent to promote or assist the commission of the offense, or to benefit in the proceeds or results of the offense, the person solicits, directs, aids or attempts to aid another person to commit the offense.

Assumes these offenders could already be prosecuted under current law.

Assumes the potential for some increases in incarceration from specifying gang initiation under this section.

### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director