

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 1976 - HB 1814**

March 30, 2009

**SUMMARY OF BILL:** Creates new offenses for a person knowingly to reproduce, transport, advertise, or sell any sound recordings without consent of the owner that were initially fixed before February 15, 1972; to produce or sell a recording of a live performance without consent; and to sell, rent, transport, or possess a recording if the outside box, cover, jacket, or label does not clearly disclose the name and address of the manufacturer. Violation involving 100 or more recordings during a 180-day period or a previous conviction for the same offense is punishable as a Class D felony accompanied by a 1,000 minimum fine. Violation involving more than 50 but less than 100 recordings during a 180-day period is punishable as a Class E felony accompanied by a \$500 minimum fine. Any other violation is punishable as a Class A misdemeanor accompanied by a \$200 minimum fine. Authorizes court to order restitution, including any investigative costs related to the offense, to the owner.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant  
Increase State Expenditures – Not Significant**

**Increase Local Revenue – Not Significant  
Increase Local Expenditures – Not Significant**

Assumptions:

- According to the Department of Correction, the offenses of criminal simulation and theft of recorded devices would currently be punished as theft and would not have a significant impact on incarceration costs.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

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**CERTIFICATION:**

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

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc