TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL MEMORANDUM

HB 1570 – SB 1864

March 27, 2012

SUMMARY OF AMENDMENT (013066): Deletes all language after the enacting clause. Requires any person who claims that certain goods held by a pawnbroker have been misappropriated or stolen, to notify such pawnbroker by certified mail or by signed receipt, of the claimant's claim to the purchased or pledged goods. Such notice is required to include a description of the proclaimed stolen goods and a police report on the theft of such property. If the claimant and pawnbroker do not resolve the matter within 10 days after such notice has been provided to such applicable pawnbroker, the claimant may seek civil action. The pawnbroker is required to hold such property until a court resolves such dispute. If such property is determined to be stolen, it shall be returned to the rightful owner and the pawnbroker is required to pay the applicable attorney's fees of such owner. If the conveying customer, whom sold the property to such pawnbroker, is convicted of theft, such customer is required to pay the full amount received from the pawnbroker during the initial transaction, plus any applicable pawn service charges. Such conveying customer would also be required to pay the applicable attorney fees of the pawnbroker and taxable costs incurred by the pawnbroker as a result of the civil action. Authorizes a law enforcement officer to place a hold order on property that is deemed to be misappropriated or stolen.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- Changes the civil process for retrieving personal property from a pawnbroker, which is believed to be misappropriated or stolen.
- Such civil actions involve two private parties. Any applicable attorney's fees will be bourne by such private parties.
- 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.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Lucian D. Geise, Executive Director

/jdb