

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 3097 - SB 3631

March 4, 2012

SUMMARY OF BILL: Specifies it is not a defense to prosecution for the Class B felony of bribery of a public servant that the person who sought to influence a public official did so on behalf of a union or employee organization for purposes of an organizing campaign or any other lawful purpose. Expands the Class D felony of intimidating others from exercising civil rights to include a person who damages, harms, injures, or threatens to injure or coerce a business, or any employee or representative of the business with the intent to unlawfully intimidate the business or its employees from exercising their state and federal rights in an effort to obtain something of value for a union or employee organization. Expands the Class D felony of extortion to include a person who uses coercion on another person with the intent to restrict a business, or the owners or employees of a business from exercising their rights in an effort to obtain something of value for a union or employee organization. Specifies that participation in a union or employee organized event may constitute a riot if the public peace is disturbed by tumultuous or threatening conduct. Specifies that it is unlawful for a person to conspire with another for the purpose of disrupting lawful commerce in places of business, where such activity threatens or adversely affects the health and physical well-being of any individual, located in or around the place of business. Authorizes treble damages for the prevailing plaintiff in a civil action for violation of this conspiracy prohibition.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Department of Correction, the proposed bill does not expand the scope of the current criminal code regarding bribery, extortion, civil rights intimidation, disorderly conduct, or riots. These types of conduct apply in regard to activities undertaken by or on behalf of organized labor. The proposed bill will not have a significant impact on incarceration costs for the Department.
- According to the District Attorneys General Conference, the proposed bill will have a minimal effect on its caseloads.
- There will not be a sufficient increase in the number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

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CERTIFICATION:

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

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

/lsc