

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

SB 2424 – HB 2409

April 9, 2014

SUMMARY OF ORIGINAL BILL: Enacts “The Open Carry Firearms Freedom Act of 2014” that makes multiple changes to state law regarding handgun carry permits and the carrying and possessing of firearms, including but not limited to: the addition of the definition “hidden from common observation”, which means a handgun is not observable by an ordinary person or is observable but is of such deceptive appearances as to disguise the handgun’s true nature; the authorization for any individual to carry a handgun when the handgun is openly observable by the ordinary person; the requirement that only persons wishing to conceal a handgun are required to obtain and maintain a new concealed handgun carry permit; changes to offenses related to the unlawful carrying of a handgun such that the offenses become applicable to the unlawful carrying of concealed handguns; the authorization for current handgun carry permit holders to convert their handgun carry permit to a concealed handgun carry permit, when such person’s permit expires, if such person wishes to carry a concealed handgun; and a prohibition against issuing handgun carry permits or handgun carry permit renewals as they exist under current law after September 1, 2014. For purposes of implementation of this Act, the effective date is upon becoming law; for purposes of accepting and processing applications for concealed handgun carry permits, the effective date is July 1, 2014; for all other purposes, including the issuance and use of concealed handgun carry permits; the effective date is September 1, 2014.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$100,000/One-Time

SUMMARY OF AMENDMENT (015826): Deletes all language after the enacting clause. Enacts “The Open Carry Firearms Freedom Act of 2014” which removes the carrying of a firearm and the carrying of a knife with a blade four inches or longer from the list of offenses with the intent to go armed; adds a new Class C misdemeanor for a first offense conviction for carrying a handgun fully concealed from ordinary observation on his person, and adds a Class B misdemeanor for a second and subsequent offense; removes exceptions for the offense of unlawful carrying or possession of a weapon when a permit holder is carrying or possessing a rifle or shotgun in or on a privately-owned motor vehicle, when such weapons do not have ammunition in the chamber or cylinder; makes defense to unlawful possession or carrying of a weapon no longer contingent upon the location of ammunition; removes defense to unlawful possession or carrying of a weapon for the purpose of protecting livestock; permits individuals

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on school property to remove a firearm from a vehicle for the limited purpose of storing it in or on another portion of a vehicle; and clarifies that a handgun carry permit allows the holder to carry a handgun either openly or concealed. States that nothing in the act requires the Department of Safety to change the language on a handgun carry permit, as such exists prior to the effective date of the act. Effective upon becoming law.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On April 6, 2014, a fiscal memorandum was issued for the bill as amended with the following estimated fiscal impact:

NOT SIGNIFICANT

Based on subsequent information provided by the Department of Safety on April 8, 2014, the fiscal memorandum is being corrected to include additional assumptions, as well as an Other Fiscal Impact as follows:

(CORRECTED)

Other Fiscal Impact - The legislation does not require nor will it cause the Department of Safety to make any changes to handgun carry permit cards. If the Department does not make any changes to handgun carry permit cards, the fiscal impact for the bill as amended is not significant. However, the Department has indicated that, based on departmental policy, it will elect to make changes to the permit cards, for a one-time cost of \$100,000, to reflect permit cards are issued for the purpose of carrying a concealed handgun.

Corrected assumption for the bill as amended:

- According to the Department of Safety (DOS), this bill as amended will not have an impact on the number of permits issued or renewed annually. The bill’s fiscal impact to revenue from such permits is considered not significant.
- Because of departmental policy, DOS will elect to make design changes to the handgun carry permit card to clarify and designate that such permits are issued for the purpose of carrying a concealed handgun. DOS indicates that it will elect to expend \$100,000 on a one-time basis to make such design changes.

CERTIFICATION:

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



/dwl