

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2029 – SB 2178

April 7, 2014

SUMMARY OF ORIGINAL BILL: Creates a new offense for “retail vandalism,” punishable as theft under Tenn. Code Ann. § 39-14-105. One commits retail vandalism who intentionally or recklessly damages property of another when the property is used by its owner or possessor in the owner’s or possessor’s profession, business, trade, or occupation, or the person damages or marks the property owner’s merchandise.

Creates a new offense for “aggravated retail vandalism,” a Class C felony if committed intentionally or knowingly or a Class D felony if committed recklessly. One commits aggravated retail vandalism if in the course of committing retail vandalism, one pollutes the property owner’s merchandise.

Creates a new offense for “organized retail vandalism,” a Class E felony, if one organizes, coordinates, controls, supervises, finances, manages, aids, or abets any of the activities of an organized retail vandalism enterprise.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$90,300/Incarceration*

SUMMARY OF AMENDMENT (015985): Deletes all language after the enacting clause.

Creates two new vandalism offenses. One commits vandalism by knowingly organizing, coordinating, controlling, supervising, financing, or managing another to commit an act of vandalism. One commits aggravated vandalism by knowingly engaging in vandalism and polluting the real or personal property of another or any entity in the course of the vandalism.

Defines “owner” for the purposes of vandalism.

Aggravated vandalism is a Class A misdemeanor.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

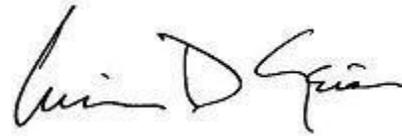
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Assumptions for the bill as amended:

- It is assumed that the proposed legislation will not result in a significant number of misdemeanors as aggravated vandalism requires a prerequisite act of vandalism be committed.
- Vandalism is punished the same as theft, of which damage under \$500 is a Class A misdemeanor. Any damage over \$500 is a felony offense. It is assumed that the district attorneys will prosecute for vandalism rather than aggravated vandalism when the damage exceeds \$500.
- The proposed legislation will not result in a significant number of new cases. It is assumed that the courts, district attorneys, and public defenders can accommodate any impact on their caseloads within their existing resources.

CERTIFICATION:

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



Lucian D. Geise, Executive Director

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