

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1430 - SB 1634

February 14, 2014

SUMMARY OF BILL: Authorizes an individual to file a petition to abate gang related conduct. The petition may be filed against the gang itself in addition to the individuals engaging in the gang related conduct.

Permits discovery to be performed under the Tennessee Rules of Civil Procedure consistent with a scheduling order.

Authorizes a judge, in addition to an order of abatement, to designate a geographically defined area or areas to prevent a gang from gathering in public in groups of two or more and to prevent any gang member from entering any public space where the gang has been found to have carried out its operations.

Any "gang injunction" shall include an "opt out" provision permitting an individual enjoined by a "gang injunction" to seek an order of dismissal from the injunction by showing the individual has renounced involvement with the gang in question and for the last two years has not committed any crimes, been in the company of a gang member, or obtained any new gang-related tattoos.

Creates a Class C misdemeanor for violating a "gang injunction".

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the local court clerks and the Administrative Office of the Courts, the proposed legislation will not significantly impact courts or court clerks.
- According to the Department of Correction and the Department of Safety, the proposed legislation will not significantly impact the State.
- It is assumed that the proposed legislation will not result in a significant amount of misdemeanor convictions or incarceration costs of local governments.
- It is assumed that any impact on the caseloads of the courts, district attorneys, and public defenders can be accommodated within existing resources.

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CERTIFICATION:

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



Lucian D. Geise, Executive Director

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