

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1771 - HB 1883**

February 10, 2014

**SUMMARY OF BILL:** Repeals Class A misdemeanor for intentionally or knowingly, possessing, manufacturing, transporting, repairing, or selling a switchblade knife.

Redefines Class A misdemeanors for selling, loaning, or gifting a firearm to a minor.

Repeals Class A misdemeanors for intentionally, knowingly, or recklessly selling, loaning, or gifting a switchblade knife to a minor.

Repeals Class C misdemeanor for unlawful carrying or possession of a knife with a blade length exceeding four inches.

Creates a Class D felony for committing an offense while employing a switchblade knife during the commission of, attempt to commit, or escape from a dangerous offense.

Increases the maximum fine from \$3,000 to \$6,000 for possessing a switchblade knife with the intent to employ it during the commission of, attempt to commit, or escape from any offense.

Permits Tennessee residents to purchase switchblade knives and have such shipped directly to their residences.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$5,000/Incarceration\***

**Increase Local Revenue – Not Significant**

**Decrease Local Expenditures – Not Significant**

Assumptions:

- The proposed legislation repeals three misdemeanors relative to switchblade knives and knives with a blade longer than four inches. Repealing these misdemeanors will not have a significant impact on the State. Any decrease in local expenditures to no longer process or house these offenders will not be significant.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines and the Administrative Office of the Courts' 2012 study on the collection of criminal fees and fines, collection of fines for felony offenses is negligible. There will not be a

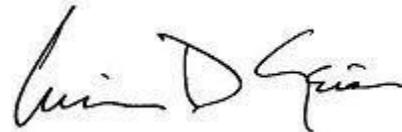
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significant increase in revenue as a result of increasing the maximum fine for possessing a switchblade knife with the intent to employ it during the commission of, attempt to commit, or escape from any offense.

- The proposed legislation creates a new Class D felony for employing a switchblade knife during the commission of, attempt to commit, or escape from a dangerous offense as defined in § 39-17-1324. It is assumed that the proposed legislation will result in one admission every 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- The average time served for a Class D felony is 2.06 years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2014 is \$66.29.
- A recidivism discount of 32.03 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every ten years serving an 2.06 years (752.42 days) for an annualized total of \$4,987.79 [(\$66.29 x 752.42 days) / 10].
- The proposed legislation repeals the prohibition against Tennessee residents from purchasing switchblades knives from outside the State. It is assumed that new purchases of switchblade knives will result in increased sale and use tax revenue. Sufficient data is not currently available to determine the exact fiscal impact to tax revenue. It is assumed the impact to state and local government will be not significant.

## **CERTIFICATION:**

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



Lucian D. Geise, Executive Director

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