

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1046 – SB 1103

March 23, 2015

SUMMARY OF ORIGINAL BILL: Mandates that all firearms forfeited or abandoned to or received by any law enforcement agency of the state or a political subdivision of the state, including the Tennessee Wildlife Resources Agency (TWRA), or firearms otherwise acquired and no longer needed by the state or a political subdivision of the state, to be disposed in the manner set forth by the bill. Prior to the disposal of any firearm, the applicable agency with custody or possession of the firearm must use best efforts to determine if the firearm has been lost by, or stolen, or otherwise unlawfully obtained from an innocent owner, and if so, the agency must return the firearm to the owner, if ascertainable, unless that person is ineligible to possess, receive, or purchase a firearm under state or federal law. The applicable agency must dispose of any such firearms it receives by sale at public auction to persons licensed as firearms collectors, dealers, importers, or manufacturers who are authorized to receive such firearms. The auctions may occur online on a rolling basis or at live events, but in no event may an auction occur less frequently than once every six months during any time the agency has an inventory of saleable firearms. The agency will retain only such proceeds as are necessary to cover the costs of administering the provisions of this bill, with any surplus to be transferred to the state general fund, or applicable local general fund of a local agency; provided, that an agency may be reimbursed for any firearms formerly in use by the agency that are sold under this bill. Requires all agencies to keep records of the firearms acquired and disposed of pursuant to this bill, as well as the proceeds of the sales and the disbursement of proceeds, and to maintain these records for not less than 10 years from the date on which a firearm is disposed of or on which a disbursement of funds is made.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$44,000/General Fund

Decrease State Revenue - \$36,000/Wildlife Resources Fund

Increase State Expenditures- \$8,000/Department of Safety

Decrease Local Revenue – Exceeds \$100,000

Other Fiscal Impact – Potential reduction of federal funding to the Tennessee Wildlife Resources Agency pursuant to the federal Pittman-Robertson Wildlife Restoration Act.

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SUMMARY OF AMENDMENT (004098): Deletes all language after the enacting clause. States any weapon that is possessed, used, or sold in violation of the law shall be confiscated by a law enforcement officer and declared to be contraband by a court of record exercising criminal jurisdiction. The law enforcement agency may petition the court for the firearm to be disposed of, sold in a public sale held by the sheriff or police chief in which it was seized, used for legitimate law enforcement purposes, or declare the weapon inoperable or unsafe. Allows departments in which the weapon has been deemed to be used for legitimate law enforcement purposes to enter in to an exchange with a licensed firearms dealer for other firearms, ammunition, or body armor suitable for use by the agency.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

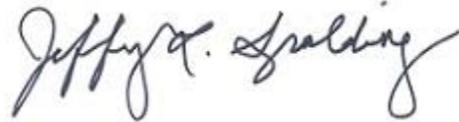
NOT SIGNIFICANT

Assumptions for the bill as amended:

- The Department of Safety, the Tennessee Wildlife Resource Agency, and the Tennessee Bureau of Investigation all confirm the amended bill will have no operational impact.
- The Tennessee Association of Chiefs of Police (TACP) confirms this bill will have no fiscal impact on local operations.

CERTIFICATION:

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



Jeffrey L. Spalding, Executive Director

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