



March 30, 2015

**SUMMARY OF ORIGINAL BILL:** Authorizes any court to order restitution to be paid to the Tennessee Wildlife Resources Agency (TWRA) by any person convicted of killing or possessing a white-tailed deer, wild turkey, bear, or wild elk; requires restitution payment for each bear or wild elk illegally killed or possessed to meet or exceed \$1,500; and each whitetail deer or turkey illegally killed or possessed to meet or exceed \$1,000. Requires the court to include any associated costs with the reintroduction of wild elk, and additional restitution payments related to the number of points on the white-tailed deer or wild elk, and for when a bear is female. Requires license revocation until restitution is paid in full. Authorizes a farmland owner, lessee, or designee to take an elk found within a no elk zone, if it is believed the elk is causing damage to the owner's property; provided the individual first provides the agency an opportunity to relocate animal.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue – Exceeds \$4,000/Wildlife Resources Fund

**SUMMARY OF AMENDMENTS (004309, 005517):** Amendment 004309 deletes and rewrites section of bill applicable to required restitution payments for illegally killing or possessing a bear; establishes restitution of \$3,500 for illegally killing or possessing any bear, rather than \$3,000 for a female bear; adds \$3,500 restitution for a bear cub killed or orphaned. Amendment 005517 deletes part of section 1 concerning two or more defendants convicted of an offense involving the killing or possession of the same animal or animals for which restitution is ordered; makes all of the defendants jointly and severally liable for the full amount of restitution.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- TWRA estimates that 20 restitution cases per district resulting in a total of 160 violations per year.
- Based on information provided by TWRA, restitution will be ordered in 25 percent of the cases equating to 40 (160 x 25%) restitution orders annually.
- Minimum restitution order of \$1,000 pursuant to the provisions of the bill.
- The average collection rate for restitution orders is estimated to be 10 percent.
- All revenue from restitution orders will be deposited to the Wildlife Resources Fund.

- The recurring increase in state revenue to the Wildlife Resources Fund is estimated to exceed \$4,000 (40 restitution orders x \$1,000 minimum order x 10% collection rate).

**CERTIFICATION:**

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



Jeffrey L. Spalding, Executive Director

/tdb