

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1458 – SB 2278

March 29, 2016

SUMMARY OF ORIGINAL BILL: Creates a Class C felony for reckless endangerment when discharging a firearm from within a motor vehicle.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$349,600/Incarceration*

SUMMARY OF AMENDMENT (014645): Deletes all language after the enacting clause and rewrites the bill.

Enhances the fine for reckless endangerment to \$10,000 if the offense is committed by discharging a firearm from within a motor vehicle.

Subjects the vehicle from which the firearm was discharged to seizure and forfeiture.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant, there will not be a significant increase in revenue as a result of increasing the fine for reckless endangerment offenses committed by discharging a firearm from within a motor vehicle.
- It is assumed that only motor vehicles owned and operated by the person discharging the firearm or a by a person who knew the offender would discharge a firearm will be subject to forfeiture.
- It is assumed that a stolen motor vehicle used to commit reckless endangerment by discharging a firearm from within the motor vehicle will not be subject to seizure and forfeiture. It is assumed that motor vehicles will not be subject to seizure and forfeiture

under the bill as amended if the owner or operator did not know that the offender would discharge a firearm from within the motor vehicle.

- It is assumed that any forfeiture proceeds received by state or local law enforcement agencies resulting from the bill as amended will be not significant.

CERTIFICATION:

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

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm