

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1666 – SB 2282

March 29, 2016

SUMMARY OF ORIGINAL BILL: Broadens the offense of harassment, a Class A misdemeanor, by including threats of dissemination of an image of a person for no legitimate purpose and without the person’s consent for the purpose of alarming, annoying, or embarrassing the person; retaliating against the person for any reason; or obtaining monetary payment from the person or any other personal gain or advantage.

Provides definitions for “communicates”, “communications service provider”, “property”, and “social media”.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015073): Deletes all language after the enacting clause.

Changes the offense of misdemeanor harassment under Tenn. Code Ann. § 39-17-508(a)(1) to apply to threats of harm against another intended to be a threat rather than threats of unlawful action against any person for the purpose of knowingly annoying or alarming the person.

Broadens the offense of misdemeanor harassment under Tenn. Code Ann. § 39-17-508(a)(2) to include communications with another person without lawful purpose with the intent that the manner, frequency, or means of the communication annoys, offends, alarms, or frightens the recipient, and, by such action, annoys, offends, alarms, or frightens the recipient.

Provides a definition for “communicate” which includes posts to social media, social networks, or websites.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

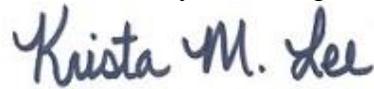
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Assumptions for the bill as amended:

- Harassment is a Class A misdemeanor unless committed by an incarcerated individual against the victim of his or her crime, in which case it is a Class E felony. Only the misdemeanor harassment offense is being broadened, as the felony offense requires the communication to be in person.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

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