

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1751 - SB 2249

February 14, 2016

SUMMARY OF BILL: Deletes and rewrites Tenn. Code Ann. § 49-6-815 relative to individuals who may possess a handgun on school grounds. Defines “person” as a school board member, trustee, administrator, employee, independent contractor, volunteer, or other person affiliated with a public or private K-12 school. Authorizes local education agencies (LEAs) and the board of directors of a private school to authorize any qualified person to carry a handgun on the grounds of or in the various buildings of the school or schools with which the person is affiliated. If an LEA or private school decides to permit handguns on school property, it shall also determine whether the method of carry shall be open or concealed, or both. An LEA or board of directors of a private K-12 school may also approve any person to carry a handgun on property or in vehicles owned and operated by the school or at other locations within the control of the LEA or private school while the location or vehicle is being used by the school for educational, recreational, athletic, or other purpose.

If students are traveling for a school-related activity that is located outside of their home LEA or private school campus, the director of schools or board of directors of the private school may seek permission from the other LEA or private school to which students are traveling to request permission that authorized persons be allowed to carry handguns to and from the event and on the campus or property of the other LEA or private school. If the other LEA or private school grants consent, then the director of schools or private school administrators are required to send a list of persons authorized to carry handguns to the other LEA or private school.

In order to be eligible to carry a handgun pursuant to this bill, a person is required to do the following: (1) notify the appropriate administrators of the LEA, public school, or private school of their desire to carry a handgun on campus; (2) have, at the time of notification, a valid handgun carry permit issued by the state pursuant to Tenn. Code Ann. § 39-17-1351; (3) be authorized to carry a firearm under state and federal law; and (4) have successfully completed any additional training required by the LEA or private school.

The cost of handgun carry permits and associated training shall be at the expense of the private individual. Requires the principal or administrative head of each public and private school, at which handguns are authorized to be carried, to compile a list of persons that are authorized to carry a firearm and transmit this list to the appropriate law enforcement agency.

States that nothing in Tenn. Code Ann. § 49-3-315 shall be construed to require an LEA or law enforcement agency to assign or provide funding for a school resource officer (SRO) to any city school system within that county on the basis of the Weighted Full-Time Equivalent Average Daily Attendance (WFTEADA), as defined by Tenn. Code Ann. § 49-3-302. The provision of security or SROs by a sheriff shall be considered a law enforcement function and not a school

HB 1751 - SB 2249

operation or maintenance purpose that would require apportionment funding in accordance with the provisions of Tenn. Code Ann. § 49-3-15 relative to local tax levies in counties with multiple LEAs.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures - \$7,300/Incarceration*

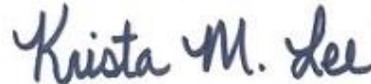
Assumptions:

- LEAs that choose to allow eligible handgun permit holders to carry handguns on school grounds and vehicles will make such policies and transmit the appropriate information to law enforcement in the normal course of business.
- LEAs will not pay for the cost of permits, training, or purchase of handguns for individuals who wish to carry handguns on schools grounds or vehicles, as permitted.
- No change in the resources that are apportioned in accordance with the provisions of Tenn. Code Ann. § 49-3-315 relative to local tax levies in counties with multiple LEAs.
- No significant increase in the number of handgun permits issued.
- Any expenditure relative to private institutions creating; providing notification of policies including sign postings; and enforcing handgun carry policies will be borne by the private institution.
- Statistics from the Department of Correction (DOC) show an average of two admissions each year for the past five years for carrying a weapon on school property. The specifics of these admissions are unknown, but it is reasonably assumed that the bill will result in one fewer admission every five years.
- The average time served for a Class E felony is 1.47 years, or 536.92 days.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The annualized decrease in incarceration costs is \$7,273.12 [(536.92 days x \$67.73) / 5].

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

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



Krista M. Lee, Executive Director

/msg