

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1736 – HB2033

February 8, 2016

SUMMARY OF BILL: Requires any person or entity that posts signage prohibiting the possession of firearms on a property, for purposes of liability, to accept custodial responsibility for the safety and defense of any handgun carry permit holder harmed while on the posted property. Sets statute of limitations for such an action to be two years from the date of the occurrence. Mandates that any notice or signage posted forbidding handgun carry permit holders from possessing a firearm must also contain language stating that any permit holder on the posted property is under the custodial responsibility of the posting person or entity.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$88,600/One-Time

Increase Local Expenditures - Exceeds \$44,300/One-Time/Permissive

Other Fiscal Impact – To the extent a civil cause of action is brought against the state or a local government entity, there may be additional increases in state or local expenditures to litigate any such action.

Assumptions:

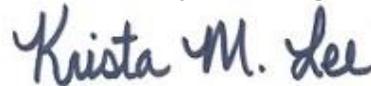
- Pursuant to Tenn. Code Ann. § 39-17-1359 (a)(1), an individual, corporation, business entity, or local, state, or federal government entity or agent thereof is authorized to prohibit the possession of weapons by any person who is at a meeting conducted by, or on property owned, operated or managed or under the control of the individual, corporation, business entity, or government entity.
- The provisions of this bill are assumed to apply to any public entity of government, in addition to individual persons or private entities, which have prohibited the possession of firearms while on posted property.
- Any policies currently in place by state or local government entities are assumed to remain constant.
- Pursuant to Tenn. Code Ann. § 39-17-1359 (b)(1), notice of any prohibition shall be accomplished by displaying notification of a size that is plainly visible to the average person entering the building, property, or portion of the building or property, posted.
- State and local government agencies will modify any existing firearm related signage to conform to the provisions of the bill.

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- The Office of Legislative Administration and the Department of General Services both confirm one-time costs associated with sign replacement.
- Based on information provided by the Department of General Services, a total of 1,965 signs would be replaced on state-owned property statewide.
- The one-time cost associated with removing current signs and posting new signage with language as specified by the bill is estimated to be \$45.10 per sign.
- The one-time increase in state expenditures is estimated to be \$88,621 ($\$45.10 \times 1,965$ signs).
- It is unknown how many signs indicating a prohibition against the possession of firearms are currently in place in local government owned buildings statewide that local government entities will replace pursuant to the provisions of this bill. The number of signs to be replaced by local government entities statewide is estimated to be at least 50 percent of the number of signs that will be replaced by state government entities, or a minimum of 983 signs ($1,965 \times 50.0\%$) statewide.
- Replacement signs for local entities are assumed to cost approximately the same amount as replacement signs for state entities, or \$45.10 per sign.
- Given that any prohibition of weapons, including firearms, and subsequent sign postings by a local government entity is the result of a permissive action pursuant to the authorization provided by Tenn. Code Ann. § 39-17-1359(a)(1), any impact to local government is considered a permissive impact.
- The permissive one-time increase in local government expenditures is estimated to exceed \$44,333 ($\45.10×983 signs).
- The bill will authorize a civil cause of action against a property owner, and entitle a permit holder to damages for economic loss, attorney fees, and other costs.
- To the extent a civil cause of action is brought against the state or a local government entity, there may be additional increases in state or local expenditures to litigate any such action.
- To the extent a civil cause of action is brought against another individual or private business entity, there may be a slight increase in the number of court cases in the court system. However, it is assumed the courts will be able to handle any additional cases within existing resources.

CERTIFICATION:

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



Krista M. Lee, Executive Director

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