TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL NOTE

SB 258 - HB 586

March 16, 2017

SUMMARY OF BILL: Authorizes a claim to be brought against an adverse possessor beyond the seven-year statute of limitations if the person can prove by a preponderance of the evidence that the property was possessed illegally. Defines "illegally" for purposes of showing illegal possession.

Creates a class E felony for knowingly and willfully moving, removing, or otherwise destroying the property stakes or other physical markings to illegally mark or alter the lawful property owner's property lines.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – $7,000/Incarceration*

Assumptions:

- The proposed legislation could result in additional claims being brought against adverse possessors, but it is assumed that the proposed legislation will not significantly impact the caseload of the courts.
- However, the proposed legislation creates a new felony offense for moving boundary markers to alter property lines.
- It is assumed that the proposed legislation will result in one additional class E felony admission every five years.
- Population growth will not impact the proposed legislation.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2017 is $68.75.
- The average time served for a class E felony is 1.4 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years serving 1.4 years (511.35 days) for an annualized total increase of $7,031 [($68.75 x 511.35 days) / 5].

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated 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

Krista M. Lee, Executive Director

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