



February 5, 2020

SUMMARY OF ORIGINAL BILL: Increases, from a Class C misdemeanor to a Class B misdemeanor, the penalty for mitigated criminal littering, if the litter is or includes human waste in a container. Establishes that such offense is punishable as an offense of criminal littering rather than an offense of mitigated criminal littering.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014172): Corrects an incorrect statutory reference without making any substantive changes to the legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-14-503(b), mitigated criminal littering is a Class C misdemeanor, punishable by a fine of \$50. In addition, a person convicted of such offense must remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not more than 40 hours, and may be required to work in a recycling center or other appropriate location for up to 8 hours.
- The proposed legislation increases the penalty for mitigated criminal littering if the litter is or includes human waste in a container to a Class B misdemeanor, punishable as an offense of criminal littering.
- Pursuant to Tenn. Code Ann. §§ 39-14-504 and 40-35-111(e)(2), criminal littering is a Class B misdemeanor punishable with an imprisonment of not greater than six months or a fine not to exceed \$500, or both. In addition, a person convicted of such offense must remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not more than 80 hours, and may be required to work in a recycling center or other appropriate location for up to 8 hours.
- There will not be a sufficient number of Class B misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any fiscal impact on state or local government from increased community service requirements is estimated to be not significant.

CERTIFICATION:

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

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

/jmg