



June 11, 2020

SUMMARY OF ORIGINAL BILL: Creates a civil action against any person or government entity that infringes upon a person's right to bear arms under the Tennessee Constitution or United States Constitution. Specifies that a violation of a person's right to bear arms by a government employee may be prosecuted as official oppression.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (018566): Deletes all language after the enacting clause. Creates a civil action against any government entity, official, employee, or agent that infringes upon a person's right to bear arms under the Tennessee Constitution or United States Constitution. Specifies that a violation of a person's right to bear arms by a government employee may be prosecuted as official oppression. Further specifies the enforcement of any law is not a violation of the proposed legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Article 1, Section 26 of the Tennessee Constitution states, "That the citizens of this state have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime."
- Pursuant to the Second Amendment of the United States Constitution, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."
- There will not be a sufficient number of civil actions brought against government entities, officials, employees, or agents for state or local government to experience any significant increase in expenditures.
- Pursuant to Tenn. Code Ann. § 39-16-403(c), a public servant acting under color of office or employment commits an offense who intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity, when the public servant knows the conduct is unlawful commits a Class E felony.
- According to information provided by the Administrative Office of the Courts, there have not been any convictions under this provision in the last three years.

- There will not be a sufficient number of Class E prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- This legislation will not significantly impact courts' caseloads. Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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