

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 8006 – SB 8001

August 12, 2020

SUMMARY OF ORIGINAL BILL: Removes certain governmental entities' liability immunity associated with damages, injuries, or deaths occurring during public demonstrations within specifically bounded areas in certain circumstances.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (019269): Deletes and rewrites all language after the enacting clause such that the substantive changes: (1) establish that a governmental entity's liability is subject to the limitations within current state law; (2) add mayors and chief executive officers to the list of applicable governmental entities; and (3) expand exempted tactical decisions to include those based on the risks to safety of the public.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed language is applicable to mayors, chief executive officers, governing bodies, boards, commissions, committees, or departments of municipalities, counties, or other political subdivisions of the state of Tennessee.
- A governmental entity's liability immunity is removed, subject to limits established within current state law, if they prevent law enforcement or fire and rescue services from accessing specifically bounded areas within the governmental entity's jurisdiction during a public demonstration unless such services are provided by another governmental entity.
- The proposed language does not apply to tactical decisions which are made by law enforcement or fire and rescue services personnel based on the risks to safety of personnel or the public.
- It is reasonably assumed that removal of liability immunity in such specific instances will deter governmental entities from executing such actions; however in the event a governmental entity prevents or prohibits law enforcement or fire and rescue services within a specifically bounded area during a public demonstration, the decision to forego

providing such services is not a tactical decision made by law enforcement or fire and rescue services, such services are not being provided by another governmental entity, and damages, injury, or death occur within the specifically bounded area during a public demonstration, the governmental entity will lose liability immunity and may experience a permissive increase in local government expenditures associated with settlements of liability torts.

- It is reasonably assumed that instances which will meet the specific qualification of the proposed legislation will be rare in occurrence; therefore the permissive increase in local government expenditures 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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