

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 409 - SB 1275**

February 25, 2019

**SUMMARY OF BILL:** Grants civil and criminal immunity to any person who uses or threatens to use force in justified self-defense, defense of another, or defense from a person committing a criminal offense unless the person against whom the force is used is a law enforcement officer and the person exercising the force knew the other person to be a law enforcement officer.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Title 39, Chapter 11, Part 6 provides certain defense to criminal activity, including self-defense or defense of another. These defenses are asserted by defendants, and a jury determines whether or not the defenses apply to the conduct of the defendant.
- The proposed legislation changes the current procedure by conferring the decision of whether a person was justified in using force from the jury to a law enforcement agency, including district attorneys.
- Tennessee Code Annotated § 39-11-622 does not extend civil immunity to instances where the use of force resulted in property damage to or death or injury of an innocent bystander or another against whom the force used was not justified.
- Any impact resulting from the proposed legislation to the operations of law enforcement, the courts, the district attorneys, or public defenders 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".

Krista Lee Carsner, Executive Director

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