

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 568 - SB 828

March 7, 2019

SUMMARY OF BILL: Requires local law enforcement to conduct in-person checks within 15 days of the expiration of the 48-hour deadline to ensure a person subject to order of protection has complied with any dispossession of firearms requirement. Requires such local law enforcement to conduct at least one additional in-person check prior to the expiration of the order of protection. Creates various changes regarding the dispossession of firearms form.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$100,000*

Assumptions:

- Pursuant to Tenn. Code Ann. § 36-3-625(a), upon issuance of an order of protection the respondent is required to dispossess firearms by any lawful means, such as transferring possession to a third party who is not prohibited from possessing firearms within 48 hours of the issuance of the order. The respondent is prohibited from possessing a firearm for so long as the order of protection or any successive order of protection is in effect, and may reassume possession of the dispossessed firearm at such time as the order expires or is otherwise no longer in effect.
- Statistics from the Administrative Office of the Courts's (AOC) 2017-2018 Annual Statistical Report show 8,105 petitions for order of protections filed in FY14-15 show approximately 9,527 petitions for an order of protection filed in chancery, circuit and probate courts in FY17-18.
- The totality of petitions for an order of protection filed in other courts is unknown.
- Data from various sources indicated that approximately 44 percent of Tennesseans own firearms.
- It is estimated that at least 4,192 (9,527 x 44%) of current orders of protections sought would be affected under the proposed legislation.
- According to information provided by a local government entity, it is estimated that each in-person check would require at least two hours of searching and a minimum of two to three law enforcement personnel (per officer safety regulations).
- There are approximately 319 local law enforcement agencies in Tennessee.
- However, the increased workload to law enforcement agencies as a result of this legislation would not be equally distributed among the 319 agencies. It is estimated that

some agencies will be able to absorb the additional workload within existing resources and/or personnel, but that some will require additional part-time personnel or require current personnel to work additional hours to comply with the provisions of this legislation

- The mandatory recurring increase in local expenditures for personnel statewide is estimated to exceed \$100,000.
- The dispossession of firearms form is created and maintained by AOC. Any changes can be accomplished with existing resources and personnel.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

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

/jmg