

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1864 - SB 2080**

February 6, 2020

**SUMMARY OF BILL:** Makes various changes to penalties for violating the requirements in the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 (Act).

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-39-215, it is a Class A misdemeanor offense for a sexual offender, violent sexual offender or a violent juvenile sexual offender, whose victim was a minor to knowingly:
  - Pretend to be, dress as, impersonate or otherwise assume the identity of a real or fictional person or character or a member of a profession, vocation or occupation while in the presence of a minor or with the intent to attract or entice a minor to be in the presence of the offender;
  - Engage in employment, a profession, occupation or vocation, regardless of whether compensation is received, that the offender knows or should know will cause the offender to be in direct and unsupervised contact with a minor; or
  - Operate, whether authorized to do so or not, any vehicle or specific type of vehicle, including, but not limited to, an ice cream truck or emergency vehicle, for the purpose of attracting or enticing a minor to be in the presence of the offender.
- The proposed legislation enhances offenses committed under Tenn. Code Ann. § 40-39-215 to Class E felony offenses.
- Based on information provided by the Administrative Office of the Courts (AOC), there have been zero convictions under Tenn. Code Ann. § 40-39-215 over the past three years.
- Any impact to state incarceration resulting from enhancing violations of Tenn. Code Ann. § 40-39-215 to Class E felony offenses is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 40-39-211(d)(2), a sex offender or violent sex offender is permitted to attend certain functions as a parent or legal guardian of a child participating in such functions if the offender has received written permission.

- Pursuant to Tenn. Code Ann. § 40-39-211(g)(4), a violation of Tenn. Code Ann. § 40-39-211(d)(2) solely due to lack of written permission required is punishable by fine only.
- The proposed legislation enhances the violation to a Class A misdemeanor offense.
- Any impact to local incarceration resulting from creating a Class A misdemeanor offense for failure to obtain the required written permission is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 40-39-213, it is a Class E felony offense punishable by fine only in an amount not less than \$250 for individuals over the age of 18 that are required to register under the Act to not have the appropriate identification on his or her person at all times.
- Based on information provided by AOC, there have been zero convictions under Tenn. Code Ann. § 40-39-213 over the past three years.
- Any impact to local incarceration resulting from changing violations of Tenn. Code Ann. § 40-39-213 to Class A misdemeanor offenses is estimated to be not significant.
- Any impact to local government resulting from requiring an offender required to register under the Act to report to the offender's registry agency within 48 hours of release from an incarceration institution, regardless of location, is estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly impact state or local revenue.

## **CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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