

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1981

January 29, 2020

SUMMARY OF BILL: Adds grave sexual abuse to the defense of duress. Adds grave sexual abuse as a justification for excluding the use of deadly force from criminal responsibility for certain individuals. Requires the Police Officer Standards and Training Commission and any instructor approved by the Department of Safety (DOS) to provide handgun safety courses for handgun carry permits to update training materials to reflect such defenses.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The proposed legislation defines grave sexual abuse as:
 - Aggravated rape;
 - Rape;
 - Rape of a child; or
 - Aggravated rape of a child.
- The proposed legislation justifies excluding criminal responsibility for the use of deadly force for following individuals:
 - A person that has a reasonable belief that there is a real imminent danger of grave sexual abuse;
 - A nuclear security officer that reasonably believes there is an imminent danger of grave sexual abuse; and
 - A law enforcement officer that has probable cause to believe that the individual to be arrested has committed a felony involving the infliction or threatened infliction of grave sexual abuse or poses a threat of grave sexual abuse to either the officer or others unless immediately apprehended.
- Any impact to local incarceration, the court system, or state incarceration resulting from adding such justification as a defense for the outlined individuals is estimated to be not significant.
- This analysis assumes that the Department of Commerce and Insurance (DCI) and the DOS update training materials as relevant laws change for applicable training courses.
- Any impact the DCI or the DOS to include the changes outlined in the proposed legislation in those updates 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

/amj