

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2189

February 5, 2020

SUMMARY OF BILL: Grants POST-certified law enforcement officers, when making an arrest outside of their jurisdiction, the same legal status and immunity from suit as a law enforcement officer making an arrest within their jurisdiction, if the arrest is made under certain circumstances.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 38-3-113, a sworn federal law enforcement officer, who in official capacity is authorized by law to make arrests, shall, when making an arrest in this state for a nonfederal offense, have the same legal status and immunity from suit as a state or local law enforcement officer if the arrest is made under the following circumstances:
 - The officer reasonably believes that the person arrested has committed a felony in the officer's presence or is committing a felony in the officer's presence;
 - The officer reasonably believes the person arrested has committed a misdemeanor that amounts to a breach of the peace in the officer's presence or is committing such a misdemeanor in the officer's presence; or
 - The officer is rendering assistance to a law enforcement officer of this state in an emergency or at the request of the officer.
- Granting the same legal status and immunity from suit under these specific circumstances to POST-certified law enforcement officers will not have a significant impact on total prosecutions or litigation.
- Therefore, this legislation will not result in a significant impact to state or local expenditures.

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