

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1178 - HB 1446

March 24, 2019

SUMMARY OF BILL: Authorizes a law enforcement officer or person who has a relationship with the respondent to petition a court for the issuance of an extreme risk protection order based on clear and convincing evidence that the respondent poses a significant risk of causing personal injury to the respondent or others by possessing a firearm. Authorizes the court to issue a temporary ex parte extreme risk protection order pending a hearing on a petition that prohibits a respondent from purchasing, possessing, receiving, or having in the respondent's custody or control a firearm, firearm ammunition, or firearm accessories until the hearing. If the court finds by clear and convincing evidence that the respondent poses a significant risk of causing personal injury to the respondent or others by possessing a firearm, requires the court to issue an extreme risk protection order and prohibits the respondent from purchasing, processing, receiving, or having in the respondent's custody or control a firearm, firearm ammunition, or firearm accessories for a period of one year.

Requires the Tennessee Bureau of Investigation (TBI) to submit extreme risk protection orders into the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS). Authorizes an eligible petitioner to petition for a renewal of an extreme risk protection order. Authorizes a respondent to file a motion to dismiss an extreme risk protection order. Creates a Class A misdemeanor offense for violation of an extreme risk protection order.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$10,400/One-Time
\$84,300/Recurring**

Increase Local Expenditures – Exceeds \$1,000/Recurring*

Assumptions:

- Based on information provided by TBI, local government law enforcement entities currently enter National Crime Information Center (NCIC) order of protection data into the National Instant Criminal Background Check System (NICS).
- The TBI will require two Criminal History Examiner Three positions to be available seven days a week to enter NCIC data into the NICS.

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- The one-time increase in state expenditures associated with the two positions is \$10,400 [(\$3,400 supplies + \$1,800 computer) x 2].
- The recurring increase in state expenditures associated with the two positions is \$84,272 (\$57,432 salaries + \$21,240 benefits + \$5,600 operational).
- Any fiscal impact to the court system is estimated to be not significant.
- The proposed legislation will result in at least one local jail admission each year.
- This analysis estimates the average sentence length for a violation of an extreme risk protection order is 15 days in local jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The proposed legislation will result in a recurring mandatory increase in local expenditures estimated to exceed \$960 [15 days x \$64].
- 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 increase local revenue.

*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.



Krista Lee Carsner, Executive Director

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