

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2350 - SB 2287**

February 24, 2024

**SUMMARY OF BILL:** Creates a Class A misdemeanor offense for a person to knowingly or recklessly:

- permit a child under 12 years of age to have access to, possession of, custody of, or use in any manner of a firearm, whether loaded or unloaded; or
- sell, loan, or make a gift of a firearm to a minor under 18 years of age or an individual who is ineligible to purchase or possess a firearm.

Establishes that it is a defense to prosecution to these offenses if:

- the person has the permission of the child's parent or guardian and the child is under the supervision of an adult;
- the firearm was used for the purpose of hunting, trapping, fishing, camping, sport shooting, or any other lawful sporting activity; and
- for a violation of subdivision selling, loaning, or making a gift of a firearm to a minor under 18 years of age or an individual who is ineligible to purchase or possess a firearm, the person is not required to obtain a license under other existing state laws.

Establishes that a person who commits such an offense is civilly liable for any injury or death that is proximately caused by the person's offense, regardless of whether the person was negligent in the commission of the offense.

Requires licensed gun dealers to inform the purchaser of a firearm in writing of the prohibitions established by this legislation, and that a violation may subject the purchaser to a Class A misdemeanor and civil liability.

Increases, from a Class A misdemeanor to a Class E felony, the penalty for a person to intentionally, knowingly, or recklessly provide a handgun, with or without remuneration, to any person that the person providing the handgun knows or has reason to believe is a juvenile that is prohibited from possessing a handgun pursuant to existing state law.

**FISCAL IMPACT:**

**Increase State Expenditures – \$23,800 Incarceration**

**Decrease Local Expenditures – \$1,800/FY24-25 and Subsequent Years**

**HB 2350 - SB 2287**

Assumptions:

*New Class A Misdemeanors and Other Provisions:*

- Pursuant to Tenn. Code Ann. § 39-17-1303(a), a person commits a Class A misdemeanor offense who:
  - intentionally, knowingly, or recklessly sells, loans or makes a gift of a firearm to a minor;
  - intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated; or
  - intentionally, knowingly, recklessly or with criminal negligence violates existing law governing the sales of dangerous weapons.
- Pursuant to Tenn. Code Ann. § 39-17-1303(b), it is a defense to prosecution for these offenses if:
  - a firearm was loaned or given to a minor for the purposes of hunting, trapping, fishing, camping, sport shooting or any other lawful sporting activity; and
  - the person is not required to obtain a license under existing law governing the sales of dangerous weapons.
- Based on information provided by the Administrative Office of the Courts and the Department of Correction Jail Summary Reports, there has been an average of 0.83 Class A misdemeanor convictions for this offense statewide in each of the last five years.
- The proposed legislation revises these statutes to alter the prohibitions and defenses, but does not substantively change them to a degree that is estimated to impact the number of Class A misdemeanor convictions associated with them.
- The Class A misdemeanor offense established by the legislation for permitting a child under 12 to have access to or possession of, custody of, or use in any manner of, a firearm, whether loaded or unloaded, is a new offense.
- However, based on the low conviction numbers associated with Tenn. Code Ann. § 39-17-1303(a), this new offense is not estimated to result in a significant increase in local expenditures related to incarceration for additional Class A misdemeanor convictions.
- Any impacts related to civil liability for these offenses will be borne by the individual offender.
- Licensed gun dealers are private parties. Any impact related to providing notice to purchasers of the purchaser's responsibilities under the law will be borne by those parties.
- Any additional workload to civil courts is estimated to not be significant.

*Increasing a Class A Misdemeanor to a Class E Felony:*

- Pursuant to Tenn. Code Ann. § 39-17-1320, it is a Class A misdemeanor offense for a person to intentionally, knowingly or recklessly provide a handgun, with or without remuneration, to any person that the person providing the handgun knows, or has reason to believe, is a juvenile that is prohibited from possessing a handgun pursuant to existing state law.
- The proposed legislation increases the penalty for this offense from a Class A misdemeanor to a Class E felony.

- Based on information provided by the Administrative Office of the Courts, there have been an average of two Class A misdemeanor convictions for this offense in each of the last five years.
- The average time served for a Class E felony is 0.60 years.
- The proposed legislation will result in 2 admissions annually serving 0.60 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.95 percent per year (from 2020 to 2023).
- The weighted average operational costs per inmate per day are estimated to be \$54.04 for inmates housed at state facilities and \$49.88 for inmates housed at local facilities.
- The increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 23,300	FY24-25
\$ 23,500	FY25-26
\$ 23,800	FY26-27

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$23,800.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$59.07.
- The recurring decrease in expenditures to local governments is estimated to be \$1,772 (2 convictions x \$59.07 x 15) in FY24-25 and subsequent years.
- 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 change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

**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

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