

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1380 - HB 1406

February 23, 2021

SUMMARY OF BILL: Prohibits a law enforcement officer (LEO) from using a choke hold, with or without the use of a police baton, on any person unless the LEO reasonably believes that deadly force is authorized.

Requires, by January 1, 2022, each law enforcement agency to develop policies regarding de-escalation and limitations on discharging a firearm at or from a moving vehicle. Requires, by January 1, 2022, each law enforcement agency to establish a use of force reporting system.

Requires an LEO to intervene in cases of, and to report direct knowledge of, excessive uses of force and prohibits the LEO from being retaliated against for doing so.

Prohibits magistrates from issuing no-knock warrants.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 38-3-121, no LEO shall use a choke hold or other similar respiratory restraining maneuver, with or without the use of a police baton, on any suspect, defendant or other person unless other methods of restraint are ineffective.
- Restricting the allowable use of a choke hold to only instances in which the LEO reasonably believes that deadly force is authorized will not substantially affect law enforcement procedures.
- Requiring each law enforcement agency to develop policies regarding de-escalation and limitations on discharging a firearm at or from a moving vehicle and to establish a use of force reporting system by January 1, 2022 can be accomplished with existing resources and personnel.
- Per the language of this legislation, an LEO is required to intervene in cases of, and to report direct knowledge of, excessive uses of force. It is prohibited for such an LEO to be retaliated against for doing so. This will not meaningfully change current law enforcement proceedings and will not significantly impact state or local government expenditures.

- According to the 2019 St. John's Law Review article, To Knock or Not to Knock? No Knock Warrants and Confrontational Policing, there are at least 20,000 no knock warrants issued annually nation-wide.
- The United States Census Bureau estimates, as of 2019, a national population of 328,239,523 and a Tennessee population of 6,829,174. Therefore, Tennessee represents 2.08 percent ($6,829,174 / 328,239,523$) of the US population.
- It can be reasonably assumed that Tennessee courts issue at least 416 ($20,000 \times 2.08\%$) no-knock warrants each year.
- Given that relatively low figure, prohibiting no-knock warrant search and arrest warrants will not substantially impact the total arrests, convictions, or seizures; therefore, this legislation, in regards to the prohibition of magistrate-issued no-knock warrants, will not significantly impact state or local expenditures or revenue.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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