

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1703 – HB 1979

February 21, 2024

SUMMARY OF BILL: Authorizes a juvenile court to transfer a child who is at least 14 but less than 17 years of age to adult criminal court for committing the offense of theft of a firearm from a motor vehicle.

Enhances the penalty for the offense of theft of a firearm worth less than \$2,500, from a Class E felony to a Class D felony theft.

FISCAL IMPACT:

Increase State Expenditures – \$1,098,000 Incarceration

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-134(a)(1)(A)(ii), a juvenile is eligible for transfer to a criminal court and tried for a criminal offense as an adult if the juvenile is at least 14 but less than 17 years of age at the time of the alleged conduct and charged with:
 - First-degree murder;
 - Second-degree murder;
 - Rape;
 - Aggravated rape;
 - Rape of a child;
 - Aggravated rape of a child;
 - Aggravated robbery;
 - Especially aggravated robbery;
 - Aggravated burglary;
 - Especially aggravated burglary;
 - Kidnapping;
 - Aggravated kidnapping;
 - Especially aggravated kidnapping;
 - Commission of an act of terrorism;
 - Carjacking; or
 - An attempt to commit any such offenses.
- The proposed legislation adds theft of a firearm from a motor vehicle to the list of offenses a juvenile at least 14 but less than 17 years of age is eligible for transfer to a criminal court and tried for a criminal offense as an adult.

- According to information provided by the Department of Children’s Services (DCS), there are currently no youth in DCS’s custody with an offense of theft of a firearm; therefore, it is assumed the proposed legislation will not result in a significant increase in the number of hearings and will have no significant fiscal impact to DCS or local government.

Theft of Firearm Class E Felony to Class D Felony Enhanced Penalty:

- Pursuant to Tenn. Code Ann. § 39-14-105(a)(2), theft of a firearm worth less than \$2,500 is punishable as a Class E felony offense.
- The proposed legislation enhances such penalty to a Class D felony.
- Based upon information provided by the Department of Correction, there has been an average of 211.2 admissions per year over the last five years for the Class E felony offense under Tenn. Code Ann. § 39-14-105(a)(2) for theft of a firearm or property under \$2,500.
- According to the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives National Firearms Commerce and Trafficking Assessment: Crime Gun Intelligence and Analysis Volume Two, Part V, between 2017 and 2021 an average of 8,143 firearms per year were stolen from private citizens in Tennessee.
- This analysis assumes the average price of a firearm is less than \$1,000; therefore, it is reasonably estimated that 75 percent or 158.4 (211.2 x 75.0%) of Class E felony admissions are for theft of a firearm.
- Pursuant to Tenn. Code. Ann. § 39-14-105(d), theft of a firearm is punishable by a mandatory minimum of 180 days of confinement, or 0.49 years.
- After adjusting for pre-trial jail credits, the weighted average time served for a Class E felony offense of theft of a firearm or property under \$2,500 is 0.52 years.
- This analysis assumes individuals convicted of the Class E felony offense of theft of a firearm or property under \$2,500 under current law are serving 0.52 years.
- After adjusting for pre-trial jail credits, the average time served for a Class D felony offense of theft is 0.99 years.
- Accounting for recidivism rates, the proposed legislation will result in 117.14 admissions annually serving an additional 0.47 years (0.99 – 0.52).
- 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 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
\$ 1,077,600	FY24-25
\$ 1,087,700	FY25-26
\$ 1,098,000	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 \$1,098,00.
- 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.



Krista Lee Carsner, Executive Director

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