

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1981 - SB 1880

February 5, 2024

SUMMARY OF BILL: Designates the possession of a firearm by a person who has been convicted of stalking as a Class A misdemeanor offense.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-1307(h)(1)(A), a person who has been convicted of stalking commits a Class B misdemeanor offense if the person carries a firearm with the intent to go armed.
- The proposed legislation deletes this provision and creates a Class A misdemeanor offense for a person convicted of stalking to possess a firearm.
- Pursuant to Tenn. Code Ann. § 39-17-315, stalking is a Class A misdemeanor; aggravated stalking is a Class E felony; and especially aggravated stalking is a Class C felony.
- Pursuant to Tenn. Code Ann. § 39-17-1307(c)(1), convicted felons are prohibited from possessing a handgun.
- Pursuant to 18 U.S. Code § 922(g)(8)(B), a person subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner of the person, or child of such intimate partner or person, is prohibited from possessing a firearm. It is assumed that any person convicted of stalking an intimate partner is subject to such an order, and thereby prohibited from possessing a firearm by federal law.
- Based on information provided by the Administrative Office of the Courts and the Department of Correction Jail Summary Reports, there have been an average of 15.96 Class B misdemeanor convictions for various offenses under Tenn. Code. Ann. § 39-17-1307.
- The total number of Class B misdemeanor convictions for a person who has been convicted of stalking to carry a firearm with the intent to go armed is unknown, but based on the total convictions for all Class B misdemeanors it is reasonably assumed to be minimal. Therefore, any Class A misdemeanor convictions under this proposed legislation will not result in a significant increase in state or local incarceration.
- 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

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cases is minimal due to defendants often not being able to pay them; therefore, any increase in local revenue from fines is estimated to be not significant.

- Any fiscal impact to state or local government is estimated to be not significant.

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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