



April 9, 2024

**SUMMARY OF BILL AS AMENDED (018215):** Deletes the offense of carrying, with the intent to go armed, a firearm or a club. Deletes the offense for a juvenile to knowingly possess a handgun. Creates an offense, punishable as a delinquent act, for a juvenile to carry, with the intent to go armed, a firearm. Revises the many defenses to prosecution for a juvenile to possess a handgun so that they apply to the new offense of a juvenile carrying, with the intent to go armed, a firearm. Lowers the age requirement to obtain an enhanced, lifetime enhanced, or concealed handgun carry permit from 21 years of age to 18 years of age.

**FISCAL IMPACT OF BILL AS AMENDED:**

**Decrease Local Expenditures – \$478,500/FY24-25 and Subsequent Years**

**Other Fiscal Impact – Individuals 18 to 20 years of age have been issued handgun carry permits since June 2023 due to a lawsuit settlement agreed to by the Attorney General; therefore, lowering the age for an individual to receive a permit will have no fiscal impact.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-17-1307(a), a person commits an offense who carries, with the intent to go armed, a firearm or a club.
  - The first violation is a Class C misdemeanor, and, in addition to possible imprisonment as provided by law, may be punished by a fine not to exceed \$500;
  - A second or subsequent violation is a Class B misdemeanor; and
  - A violation is a Class A misdemeanor if the person's carrying of a handgun occurred at a place open to the public where one or more persons were present.
- Based on information provided by the Administrative Office of the Courts and the Department of Correction Jail Summary Reports, the average number of convictions each year over the last five years for carrying a firearm or club with the intent to go armed were as follows:
  - 539 Class A misdemeanor convictions;
  - 16 Class B misdemeanor convictions; and
  - 101 Class C misdemeanor convictions.
- It is assumed that, on average, a person convicted of a Class C misdemeanor will spend zero days in a local jail, a Class B misdemeanor will spend a total of one day in a local

jail, and a person convicted of a Class A misdemeanor will spend a total 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 associated with Class A misdemeanors is estimated to be \$477,581 (539 convictions x \$59.07 x 15) in FY24- 25 and subsequent years.
- The recurring decrease in expenditures to local governments associated with Class B misdemeanors is estimated to be \$945 (16 convictions x \$59.07 x 1) in FY24-25 and subsequent years.
- The recurring decrease in expenditures to local governments associated with Class C misdemeanors is estimated to be not significant.
- The total decrease in expenditures to local governments related to deleting the offense of carrying a firearm or club with the intent to go armed is estimated to be \$478,526 (\$477,581 Class A + \$945 Class B) 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; therefore, any decrease in local revenue from fines is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 39-17-1319(b), it is an offense for a juvenile to knowingly possess a handgun. A violation is a delinquent act.
- Pursuant to Tenn. Code Ann. § 39-17-1319(c), in addition to any other disposition authorized by law, the juvenile may be required to perform not more than 100 hours of community service work to be specified by the judge and the juvenile's driving privileges shall be suspended for a period of one year. A second or subsequent violation is a delinquent act and, in addition to any other disposition authorized by law, the juvenile may be required to perform not less than 100 nor more than 200 hours of community service work to be specified by the judge and the juvenile's driving privileges shall be suspended for a period of two years.
- The remainder of the section provides several defenses to prosecution for this offense.
- The proposed legislation revises the offense so that it is no longer an offense for a juvenile to possess a handgun, but rather it is an offense for a juvenile to carry a firearm with the intent to go armed. It also revises the various defenses to prosecution so that they apply to the new version of the offense, but substantively the defenses to prosecution remain the same. The penalties for a violation also remain the same.
- The Department of Children's Services (DCS) has only one record pertaining to a delinquent act by a juvenile that involved a firearm. It is unclear if it was a direct citation for this particular offense or incidental to the commission of some other delinquent act.
- It is assumed that the revision of the offense to apply to juveniles carrying with the intent to go armed will not result in a significant increase in the number of juveniles adjudicated delinquent under this section of code. It is assumed that the discovery of possession of a handgun under the current offense and the discovery of the carrying of a firearm under the new offense would likely occur under similar circumstances – most likely in the commission of some other delinquent act. Any fiscal impact to the DCS or

other entities that may be involved in the custody of delinquent juveniles or supervising community service is estimated to be not significant. Any fiscal impact to the Department of Safety (DOS) related to driver license revocations is estimated to be not significant.

- Because the legislation deletes the offense of carrying a firearm with the intent to go armed and other related provisions, an adult aged 18 years or older will be permitted to carry a firearm wherever the individual is lawfully present, as long as the individual lawfully possesses the firearm.
- Such individuals will not need a handgun carry permit to do so.
- The legislation lowers the age to obtain enhanced and lifetime enhanced handgun carry permits from 21 years of age to 18 years of age.
- Pursuant to Tenn. Code Ann. § 39-17-1366(b)(3), in order to qualify for a concealed handgun carry permit, among other requirements, an applicant must meet the qualifications for issuance of an enhanced handgun carry permit. Thus, in addition to lowering the age to obtain an enhanced or lifetime enhanced permit, the proposed legislation would have the effect of also lowering the lawful age to obtain a concealed carry permit to 18.
- Pursuant to Tenn. Code Ann. § 39-17-1307(g)(1)(A), persons aged 21 years and older are currently authorized to carry a handgun without a permit if they lawfully possess the handgun and are in a place where they are lawfully present. Therefore, deleting the offense of carrying with the intent to go armed is also not estimated to significantly impact handgun permit issuance.
- In March 2023, the Attorney General's office agreed to settle a lawsuit which led to no longer prosecuting those ages 18 to 20 for carrying a handgun without a permit.
- As a result of the lawsuit, the DOS, in coordination with the Attorney General, started issuing permits to individuals aged 18 to 20 in June 2023.
- The proposed changes to the law were enacted last year pursuant to the Attorney General's agreed upon lawsuit settlement; therefore, any fiscal impact is considered not significant.

## **CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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