

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1751 - HB 2141**

February 6, 2024

**SUMMARY OF BILL:** Increases the maximum fine, from \$50 to no more than \$500, that is applicable for a violation of any arrestable offense regarding wildlife resources and for which a submission of fine in lieu of court is not authorized.

Increases the maximum fine, from \$10 to \$500, that is applicable for a violation of unlicensed hunting, chasing, trapping, killing, or taking any form of wildlife, including hunting migratory waterfowl without a federal migratory waterfowl stamp.

Increases the maximum fine, from \$50 to \$500, that is applicable for a violation of unlicensed commercial fishing, commercial musseling, or performance of a commercial helper.

Increases the maximum fine, from \$25 to \$500, that is applicable for a violation of unlicensed commercial fishing, commercial musseling, or performance as a commercial helper.

Increases the maximum fine, from \$25 to \$500, that is applicable for a violation of unlicensed training of hunting dogs, by either statute or any rule or regulation promulgated by the Fish and Wildlife Commission.

Increases the maximum fine, from \$10 to \$500, that is applicable for a violation regarding the performance of taxidermy without having the appropriate permit.

Increases the maximum fine, from \$25 to \$500, that is applicable for a violation for engaging in bait dealing, operating a catch-out operation, fish farming, without a fish dealer's license.

Increases the maximum fine, from \$25 to \$500, that is applicable for a violation for authorizing, undertaking, or engaging in any activity, practice, or project that has or is likely to have the effect of either diverting surface or subsurface water that would otherwise flow into Reelfoot Lake or draining or otherwise removing water from Reelfoot Lake.

Increases the maximum fine, from \$25 to \$500, that is applicable for a violation for refusing an authorized agent to ascertain through inspection whether a person is lawfully permitted to engage in certain activities involving wildlife.

Increases the maximum fine, from \$25 to \$500, that is applicable for each violation of unlawfully taking, killing capturing, destroying, shipping, transporting, buying, selling, or bartering of any wild animal, wild bird, wild fowl, or fish, respectively, or for each unlawful trap, snare, net, or other device used.

**SB 1751 - HB 2141**

Enhances the penalty, from a Class C misdemeanor to a Class B misdemeanor, for hunting, taking, chasing, trapping, or killing any wild animal, wild bird, wild fowl or fish, upon the land of another without first obtaining the permission or approval of the owners of the land, or of the person or persons in charge, and then removing such animal from such land.

**FISCAL IMPACT:**

**Increase State Revenue – Up to \$442,800/FY24-25 and Subsequent Years/  
Wildlife Resources Fund**

**Increase Local Expenditures – \$2,900/FY24-25 and Subsequent Years\***

**Other Fiscal Impact – This legislation is estimated to result in an unknown increase in local revenue as a result of receiving a portion of the increase in fine revenue. Any such increase in local revenue could not be confirmed with certainty.**

Assumptions:

- This legislation increases the maximum fine imposed for various violations of state wildlife laws resulting in an increase in state and local government citation fee revenue.
- Currently, such maximum fines vary by offense, ranging from \$10 up to \$50.
- All affected fines will now be a maximum fine of \$500.
- It is assumed that the penalties affected by this legislation will be levied at the maximum rate for relative offenses committed after the effective date of this legislation.
- It is assumed that all persons who are charged with any of these offenses will not be found indigent and will be able to pay these higher fines.
- Based on information provided by the Tennessee Wildlife Resources Agency (TWRA) this legislation could result in an increase in citation fee revenue of up to \$442,839. See the table below for more details:

<b>Violation (\$)</b>	<b>5-Yr. Avg.</b>	<b>Current Citation</b>	<b>New Citation</b>	<b>Difference</b>	<b>Increase in Revenue</b>
70-2-101	888.4	\$10	\$500	\$490	\$435,316.00
70-2-205	0.0	\$50	\$500	\$450	\$0.00
70-2-213	0.0	\$25	\$500	\$475	\$0.00
70-2-214	0.2	\$36	\$500	\$464	\$92.80
70-2-215	1.4	\$10	\$500	\$490	\$686.00
70-2-221	0.4	\$25	\$500	\$475	\$190.00
70-4-106	101.8	\$50	\$50	\$0	\$0.00
70-5-112	0.0	\$25	\$500	\$475	\$0.00
70-6-101	13.2	\$25	\$500	\$475	\$6,270.00
70-6-102	0.6	\$25	\$500	\$475	\$285.00
<b>Total</b>					<b>\$442,839.80</b>

- Pursuant to Tenn. Code Ann. § 70-4-106, hunting, taking, chasing, trapping, or killing any wild animal, wild bird, wild fowl or fish, upon the land of another without first obtaining the permission or approval of the owners of the land, or of the person or persons in charge, is a Class C misdemeanor.
- This legislation establishes that such offense is enhanced to a Class B misdemeanor if such trespasser removes an animal from another person's property.
- Average incarceration times for convictions of misdemeanor offenses are assumed to be as follows:
  - Class A: 15 days in jail
  - Class B: 1 day in jail
  - Class C: 0 days in jail
- 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 49 Class C misdemeanor convictions of such violations in each of the last three years.
- The increase in incarceration days in local facilities each year is thus estimated to be 49 days (49 Class B misdemeanors x 1 day).
- 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 mandatory increase in local expenditures related to incarceration is estimated to be \$2,894 (49 days x \$59.07) in FY23-24 and subsequent years.
- It is believed that local governments will receive a portion of this additional fine revenue; however, TWRA was not able to provide information regarding the portion of revenue retained by local governments.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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