

# SB 1296 - HB 1314

## FISCAL NOTE



Fiscal Review Committee  
Tennessee General Assembly

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**SUMMARY OF BILL:** Creates a Class E felony offense for recklessly, by any means of communication, threatening to commit an act of mass violence and the threat causes another to reasonably expect the commission of an act of mass violence.

This classification is enhanced to a Class D felony if: (1) the violation involves a threat to commit mass violence on the property of a school, house of worship, or government, or at a live performance or event; (2) the defendant has one or more prior convictions for such offense or a Class A misdemeanor threat of mass violence on a school property; or (3) the defendant intentionally engages in substantial conduct to prepare for or carry out the threatened act.

Authorizes a sentencing court to order a person convicted of threatening to commit an act of mass violence to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred but for the threat to commit an act of mass violence.

Creates a Class B misdemeanor offense for posting on a publicly accessible website a person's telephone number or address with the intent to threat or cause harm. Enhances the penalty, from a Class B misdemeanor to a Class A misdemeanor, if the offense results in harm to the individual or a member of the individual's household.

### FISCAL IMPACT:

STATE GOVERNMENT	
EXPENDITURES	Incarceration
	\$822,200

Assumptions:

#### *New Class E Felony Offense*

- The number of individuals who will be charged with the offense of threatening an act of mass violence pursuant to this proposed legislation is unknown.
- Based on information from the Pew Charitable Trust published in June 2022, there are 19 states that have laws allowing local law enforcement to petition civil courts regarding people who may be a danger to themselves or others.
- Most of the laws were passed in the last decade and use of the laws varies greatly by state. For purposes of analysis, the experience of multiple states is being used.

- Since 2018, judges have granted an average of 3,427 orders in a five-year period across three states. Adjusting for Tennessee population, it is estimated there would be 622 instances where someone in Tennessee could be found to be a danger to themselves or other.
- According to a 2022 paper analyzing threats of multiple victim/mass shootings in six states, approximately 10 percent of ordered petitions were in response to a threat of mass violence against at least three people, which is closely aligned with the definition of mass violence in this legislation.
- It is assumed 10 percent of the 622 instances where someone in Tennessee could be found to be a danger to themselves or others, or 62 instances will involve a public threat of mass violence (622 x 10%).
- Utilizing this data as a proxy for this estimation, it is assumed there could be 62 potential individuals charged with a Class E or Class D felony offense for threatening an act of mass violence under the proposed legislation.
- The proposed legislation creates a Class E felony offense if a person recklessly, by any means of communication, threatens to commit an act of mass violence and the threat causes another to reasonably expect the commission of an act of mass violence.
- This analysis assumes that 75 percent, or 46.5 (62 x 75%), of admissions will be charged with a Class E felony offense of threatening to commit an act of mass violence. The average time served for a Class E felony is 0.56 years after adjusting for pre-trial jail credits.
- The proposed legislation will result in 46.5 admissions annually serving 0.56 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 1.24 percent per year (from 2021 to 2024).
- The weighted average operational costs per inmate per day are estimated to be \$62.02 for inmates housed at state facilities and \$50.51 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
\$ 569,100	FY25-26
\$ 576,200	FY26-27
\$ 583,300	FY27-28

#### *New Class D Felony Enhancement*

- This analysis assumes that 25 percent, or 15.5 (62 x 25%), of admissions will be charged with a Class D felony because the offense involved: (1) a threat to commit mass violence on the property of a school, house of worship, or government, or at a live performance or event; (2) a defendant with a prior conviction; or (3) a defendant that has engaged in substantial conduct to prepare for or carry out the threatened act.
- The average time served for a Class D felony is 0.93 years after adjusting for pre-trial jail credits.
- After accounting for recidivism rates, the proposed legislation will result in 11.56 admissions annually serving 0.93 years.
- The increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 233,000	FY25-26
\$ 236,100	FY26-27
\$ 238,900	FY27-28

- Pursuant to 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 \$822,200 (\$583,300 + \$238,900).

*New Class B and Class A Misdemeanor*

- Per the proposed legislation, a person commits a Class B misdemeanor offense for posting on a publicly accessible website the telephone number or home address of an individual with intent to cause harm or a threat of harm to the individual or a member of the individual's family or household. The penalty is enhanced to a Class A misdemeanor if the offense results in harm to the individual whose information was publicly posted online or a member of their family or household.
- This analysis assumes individuals charged with a Class B misdemeanor or Class A misdemeanor pursuant to the proposed legislation would be charged with the Class A misdemeanor offense of harassment pursuant to Tenn. Code Ann. § 39-17-308 under current law.
- There will not be a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.
- 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 analysis are available upon request.

**CERTIFICATION:**

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



Bojan Savic, Executive Director