

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2035 - SB 2763**

February 18, 2024

**SUMMARY OF BILL:** Declares the General Assembly to preempt any other federal, state, or local authority with respect to “extreme risk protection orders”. Prohibits a political subdivision of Tennessee from accepting a grant or other source of funding for the purpose of implementing an ordinance, rule, executive order, judicial order, or judicial finding that would have the effect of enforcing an extreme risk protection order. Declares null, void, and unenforceable a federal statute, rule, executive order, or federal judicial order that has the effect of enforcing an extreme risk protection order or ex parte extreme risk protection order. Creates a Class A misdemeanor offense for an individual, including a law enforcement officer, to attempt to enforce a federally implemented extreme risk protection order.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- The legislation defines “extreme risk protection order” as an executive order or a written order or warrant issued by a judge, magistrate, or other judicial officer, with the primary purpose of reducing the risk of firearm-related death or injury by doing one or more of the following:
  - prohibiting a named individual from having under the individual's custody or control, owning, possessing, or receiving a firearm; or
  - removing a firearm from or requiring the surrender of a firearm by a named individual; and
  - does not include an order of protection as defined in current law in the context of domestic abuse.
- It is not known if any political subdivision of Tennessee is currently accepting any grant or other source of funding for the purpose of implementing an action that would have the effect of enforcing an extreme risk protection order. It is assumed that none are.
- The extent to which any other current streams of federal funding may be jeopardized by preempting federal statutes or the enforcement thereof is unknown. This analysis assumes that any fiscal impacts to the state or local governments related to federal funding will be not significant.
- Convictions for the new Class A misdemeanor offense are assumed to be minimal; any fiscal impact related to incarceration or fines is estimated to be not significant.
- Any fiscal impact to state or local government is estimated to be not significant.

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**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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