

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1807 - HB 1873

January 29, 2020

SUMMARY OF BILL: Authorizes a law enforcement officer or person who has a relationship with the respondent to petition a court for the issuance of an emergency protection order based on clear and convincing evidence that the respondent poses a significant risk of causing personal injury to the respondent or others by possessing a firearm. Authorizes the court to issue a temporary ex parte emergency protection order pending a hearing on a petition that prohibits a respondent from purchasing or possessing any firearm while the order is in effect. Requires a hearing to be held within 30 days of service of the ex parte emergency protection order. If the court finds that the respondent poses a significant risk of causing personal injury to the respondent or others by possessing a firearm, requires the court to issue an extreme risk protection order and prohibits the respondent from purchasing or possessing any firearm for a period not to exceed one year.

Requires, upon issuance of an emergency protection order, the respondent to dispossess of all firearms within 48 hours and complete an affidavit. Creates a Class A misdemeanor offense for failure to surrender or transfer all firearms. Creates a Class A misdemeanor offense for violation of an emergency protection order. Authorizes any law enforcement officer to arrest the respondent in violation of an emergency protection order without a warrant under certain circumstances.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - \$1,900/FY20-21 and Subsequent Years*

Assumptions:

- Statistics from the Administrative Office of the Courts' (AOC) 2018-2019 Annual Statistical Report show 8,474 dispositions for order of protections and approximately 8,673 petitions for an order of protection filed in chancery, circuit and probate courts in FY18-19.
- The totality of petitions for an order of protection filed in other courts is unknown.
- Data from various sources indicated that approximately 44 percent of Tennesseans own firearms.
- It is estimated that at least 3,816 (8,673 x 44%) of current orders of protections sought would be affected under the proposed legislation.
- This will result in an increased workload to law enforcement agencies that would not be equally distributed among the 319 agencies. However, it is estimated that most agencies

will be able to absorb the additional workload within existing resources and/or personnel.

- Any increase in workload to the courts can be absorbed within existing resources and/or personnel.
- The proposed legislation will result in at least two local jail admissions each year.
- This analysis estimates the average sentence length for a violation of an extreme risk protection order is 15 days in local jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The proposed legislation will result in a mandatory increase in local expenditures estimated to exceed \$1,920 [(15 days x \$64) x 2] in FY20-21 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. The proposed legislation will not significantly increase local revenue.

**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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