

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

HB 59 – SB 336

February 22, 2017

SUMMARY OF ORIGINAL BILL: Creates a class E felony for injuring or threatening to injure another person or damaging, destroying, or defacing property of another person with the intent to intimidate that person from the free exercise of, or because of, the person's political beliefs, political party affiliation, or choice of candidate.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003673): Makes violations of the new offense a class D felony, like other violations of Tenn. Code Ann. § 39-17-309, rather than a class E felony.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On February 14, 2017, a fiscal memorandum was issued with the following estimated impact:

*Increase State Expenditures – \$336,000/Incarceration**

After further review, it was determined that the estimated impact was in error. As a result, a corrected fiscal memorandum is being issued. The corrected fiscal impact for the bill as amended is estimated as follows:

(CORRECTED)

Unchanged from the corrected fiscal note.

Corrected Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-17-309 prohibits any person from intimidating another from the free exercise or because of the free exercise of any right or privilege secured under the Constitutions of the United States and Tennessee. A violation of Tenn. Code Ann. § 39-17-309 is a class D felony.

HB 59 – SB 336 (CORRECTED)

- The proposed legislation adds a new offense for intimidating another person from the free exercise or because of the person's free exercise of his or her political beliefs. This conduct, however, is already punishable under Tenn. Code Ann. § 39-17-309.
- Therefore, it is assumed that the proposed legislation will not significantly decrease state incarceration costs.

CERTIFICATION:

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

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive style.

Krista M. Lee, Executive Director

/trm