

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**HB 59 - SB 336**

February 22, 2017

**SUMMARY OF 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.

**ESTIMATED FISCAL IMPACT:**

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

*Increase State Expenditures – \$210,900/Incarceration\**

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

**(CORRECTED)**

**NOT SIGNIFICANT**

Corrected Assumptions:

- 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.
- 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.
- Though the new offense would be punishable as a class E felony rather than a class D felony, it is assumed that a district attorney would elect to prosecute an individual for a class D felony offense rather than a class E felony offense.
- Therefore, it is assumed that the proposed legislation will not significantly decrease state incarceration costs.

**HB 59 - SB 336 (CORRECTED)**

**CERTIFICATION:**

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

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

Krista M. Lee, Executive Director

/trm