

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1652 - HB 1712

March 11, 2024

SUMMARY OF BILL: Authorizes law enforcement officers and agencies to file petitions for risk protection orders within the county where a respondent resides or the petitioner's law enforcement office is located. Establishes requirements that each petition and petitioner must meet and prohibits filing or processing fees from being charged to a petitioner. Establishes a fourteen-day timeframe under which the court must order a hearing, and requires the respondent to undergo a mental health assessment. Authorizes a court to issue a risk protection order for a period of up to 180 days.

Establishes procedures and requirements for a respondent to submit a request to vacate the risk protection order. Requires a court to notify the petitioner at least 30 days prior to the date the risk protection order ends, and affords the petitioner the ability request an extension of the risk protection order. Authorizes the court to extend the order for up to an additional 180-day period.

Requires, upon the issuance of a risk protection order, a respondent to surrender all firearms and ammunition owned by or in the possession of the respondent and the respondent's handgun carry permit to local law enforcement. After the risk protection order is vacated or ends without extension, law enforcement agencies must verify through a background check that the respondent is currently eligible to own or possess firearms and ammunition and the Department of Safety (DOS) must reinstate any suspended handgun carry permits. Establishes a process for a respondent to transfer all firearms and ammunition to another person who meets certain requirements.

Requires the court clerk to enter any risk protection order into the uniform case reporting system within 24 hours after issuance and requires the petitioning law enforcement agency to enter the order into the national crime information center and similar state database. Creates a Class E felony offense for a person who violates a risk protection order by having custody or control, or purchasing, possessing, or receiving a firearm or any ammunition. Requires the Administrative Office of the Courts (AOC) to develop and prepare standardized petitions and forms, as well as a court staff handbook on the risk protection order process to be used after January 1, 2025.

FISCAL IMPACT:

**Increase State Expenditures – \$605,000/FY24-25
\$248,800/FY25-26 and Subsequent Years**

\$127,000 Incarceration

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Assumptions:

State and Local Court Costs:

- The AOC will need to make case management enhancements to the current Mental Health Monitoring System and Tennessee Judicial Information System (TJIS). Based on vendor estimates, the enhancements are estimated to be \$365,170 [(208 hours x \$115 per hour) + (175 hours x \$195 x 10 vendors)] in FY24-25.
- The AOC can create and distribute the required forms and information utilizing existing resources.
- Based on information previously provided by the Court Clerks Association and the AOC, any impact to the state and local court systems is estimated to be accommodated within existing resources.

Mental Health Assessments:

- As of February 2024, 21 states have enacted laws allowing local law enforcement or other individuals to petition courts to impound firearms from 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 others.
- Each respondent must undergo an assessment for suicidal or homicidal ideation as part of the hearing process.
- It is assumed that the assessments will be conducted by a Department of Mental Health and Substance Abuse Services (DMHSAS) certified agent and paid for at no cost to the respondent.
- Based on information provided by DMHSAS, the cost per assessment is estimated to be \$400, resulting in a recurring increase in state expenditures of \$248,800 (622 assessments x \$400) in FY24-25 and subsequent years.

Class E Felony:

- Based on a review of the number of charges brought in other states, the number of annual felony convictions in Tennessee for a violation of a risk protection order is estimated to be 10.67 convictions.
- The average time served for a Class E felony is 0.60 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.95 percent per year (from 2020 to 2023).
- The weighted average operational costs per inmate per day are estimated to be \$54.04 for inmates housed at state facilities and \$49.88 for inmates housed at local facilities.
- The estimated increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 124,400	FY24-25
\$ 125,700	FY25-26
\$ 127,000	FY26-27

- Pursuant to Public Chapter 1007 of 2022, recurring cost increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$127,000.
- 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.

Local Law Enforcement:

- It is assumed that all law enforcement agencies and district attorneys general can comply with the requirements in the normal course of business utilizing existing resources.
- Local law enforcement will incur additional expenditures to accept, possess, and securely store firearms and ammunition. It is assumed the increase for each local law enforcement agency is not significant.

Total State Expenditures:

- The total increase in state expenditures in FY24-25 will be \$604,970 (\$365,170 + \$248,800).
- The total increase in state expenditures in FY25-26 and subsequent years will be \$248,800.
- The total recurring incarceration appropriation is \$127,000.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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