

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2078 - SB 2802

February 21, 2024

SUMMARY OF BILL: Revises the offense of unlawfully transporting an illegal alien from applying to those that do so for the purpose of commercial advantage or private financial gain to applying to any person who does so knowingly or recklessly. Increases the fine for a violation of the offense from \$1,000 to \$5,000.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-114(a), it is an offense for any person for the purpose of commercial advantage or private financial gain to transport or cause to be transported into the state an individual who the person knows or should have known has illegally entered or remained in the United States, as determined by the bureau of immigration and customs enforcement of the United States department of homeland security.
- A violation is a Class A misdemeanor punishable by fine only of \$1,000 for each person illegally transported. Proceeds from such fines go to the arresting agency or agencies.
- The proposed legislation would apply this offense to any person who knowingly or recklessly committed such acts, rather than only those that did so for commercial advantage or private financial gain. It further increases the fine per person transported to \$5,000.
- This is interpreted to expand the offense to include more circumstances of transporting illegal aliens that would be considered a Class A misdemeanor offense under the law.
- Based on data provided by the Administrative Office of the Courts, there have been no convictions for this offense in state or local courts for at least the last five years.
- It is assumed that expanding the offense in the manner proposed could result in a modest increase in Class A misdemeanor convictions related to this offense.
- However, since a violation is punishable by a fine only, there will be no fiscal impact related to additional incarceration.
- Furthermore, 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 minimal due to defendants often not being able to pay them; therefore, any increase in local revenue to state or local law enforcement agencies from fines is estimated to be not significant.

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- Any fiscal impact to state or local government is estimated to be not significant.

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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