



August 21, 2023

SUMMARY OF BILL: Creates a Class E felony offense for threatened mass violence for the reckless handling, display, or discharge of a firearm while operating, or as a passenger in, a motor vehicle. Effective October 1, 2023.

FISCAL IMPACT:

Increase State Expenditures – \$31,600 Incarceration

Assumptions:

- The proposed legislation creates a new Class E felony offense for threatened mass violence for the reckless handling, display, or discharge of a firearm while operating, or as a passenger in, a motor vehicle.
- Tennessee Code Annotated § 39-13-103(a) establishes that a person commits reckless endangerment who recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.
- Pursuant to § 39-13-103(b), reckless endangerment committed with a deadly weapon is a Class E felony. Reckless endangerment by discharging a firearm from within a motor vehicle is a Class C felony.
- This analysis assumes a person who commits threatened mass violence for the reckless handling or discharge of a firearm while operating, or as a passenger in, a motor vehicle pursuant to the proposed legislation would be charged with a Class E or Class C felony of reckless endangerment under current law and would not be impacted by the proposed legislation.
- It is further assumed persons who recklessly display a firearm while operating, or as a passenger in, a motor vehicle will be charged with a Class E felony offense for threatened mass violence pursuant to the proposed legislation that would not have been charged under current law.
- According to the Gun Violence Archive, between 2017 and 2021 there have been a total of 166 incidents or an average of 33.2 incidents per year of road rage in Tennessee in which someone in a car brandished a gun in a threatening manner or fired at a driver or passenger in another car.
- It is estimated that 10 percent or 3.32 (33.2 x 10.0%) will be charged with a Class E felony for threatened mass violence for the reckless display of a firearm while operating, or as a passenger in, a motor vehicle.
- The average time served for a Class E felony offense of reckless endangerment committed with a deadly weapon is 0.5 years, after adjusting for pre-trial jail credits.

- The proposed legislation will result in 3.32 admissions annually serving 0.5 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 1.07 percent per year (from 2019 to 2022).
- The weighted average operational costs per day are estimated to be \$50.63 for inmates housed at state facilities and \$52.11 for inmates housed at local facilities.
- The increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 30,900	FY24-25
\$ 31,300	FY25-26
\$ 31,600	FY26-27

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$31,600.
- 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 change state or local revenue.
- 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.
- All calculations used in completion of this fiscal analysis are available upon request.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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