

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1221 - HB 1369**

March 25, 2021

**SUMMARY OF BILL:** Deletes the requirement for the Tennessee Peace Officer Standards & Training (POST) Commission to determine a retired law enforcement officer's eligibility to carry a firearm under federal law.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Revenue –**

**\$14,600/FY21-22 and Subsequent Years/TBI**

**\$11,000/FY21-22 and Subsequent Years/POST Commission**

**Decrease State Expenditures –**

**\$14,600/FY21-22 and Subsequent Years/TBI**

**\$1,300/FY21-22 and Subsequent Years/POST Commission**

Assumptions:

- The federal law governing the ability for a retired officer to carry a firearm is 18 U.S.C. § 926C(d), or the Law Enforcement Officer Safety Act (LEOSA).
- Pursuant to Tenn. Code Ann. § 38-8-123, the POST Commission is required to determine a retired law enforcement officer's eligibility to carry a firearm under federal law.
- Federal LEOSA certification requires annual renewal. Both the initial and renewal certification require a \$10 fee remitted to the POST Commission.
- According to the POST Commission, there are approximately 1,100 applicants currently certified under the LEOSA program.
- Pursuant to Tenn. Code Ann. § 38-8-123(c), eligibility of an applicant is determined by a background check of the applicant's fingerprints through both the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI).
- A national criminal background check cost \$35.15.
- The disbursement of this fee are as follows:
  - TBI: \$13.25;
  - FBI: \$13.25; and
  - Applicable vendor: \$8.65.
- According to the POST Commission's application for initial and renewal LEOSA certification, an applicant is required to submit a national criminal background check upon both initial and renewal of their LEOSA certification.

- A recurring decrease in state revenue to the TBI of \$14,575 (1,100 certifications x \$13.25) beginning in FY21-22.
- It is assumed that the decrease in revenue to the TBI to conduct fewer background checks offsets equally with the expenditure to perform them.
- A recurring decrease in state expenditures to the TBI of \$14,575 beginning in FY21-22.
- A recurring decrease in state revenue due to annual renewal certification fees of \$11,000 (1,100 x \$10) beginning in FY21-22.
- According to the POST Commission, postage and printing expenditures to administer the application and issuance process is \$1,275.
- A recurring decrease in state expenditures to the POST Commission of \$1,275 beginning in FY21-22.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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