House Criminal Justice Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

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Signature of Sponsor

AMEND Senate Bill No. 2884 House Bill No. 2303*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-301(a), is amended by deleting the language "knowingly damages any structure by means of a fire or explosion" and substituting instead the following:

knowingly damages any structure or farm equipment by means of a fire or explosion

SECTION 2. Tennessee Code Annotated, Section 39-14-301, is amended by deleting subdivision (b)(2)(B); redesignating subdivision (b)(2)(A) as subdivision (b)(2); and adding the following as a new subsection (c):

(c) As used in this section:

(1) "Farm equipment" means vehicles, tools, devices, or supplies used in plowing, planting, harvesting, raising, or processing of farm products at a farm; and

(2) "Place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to § 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites, or activities communally undertaken for the purpose of worship.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

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Signature of Sponsor

AMEND Senate Bill No. 2121 House Bill No. 2191*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-519(b), is amended by deleting the subsection and substituting instead the following:

(b) A victim of a sexually oriented crime is entitled to a forensic medical examination without charge to the victim as provided in § 29-13-118. Upon the conclusion of the forensic examination, the healthcare provider shall notify the appropriate law enforcement agency that a sexual assault evidence collection kit or hold kit is ready for release. Within seven (7) days of being notified, the law enforcement agency shall pick up the sexual assault evidence collection kit or hold kit for storage or transmission to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

SECTION 2. Tennessee Code Annotated, Section 39-13-519, is amended by adding the following language as a new subsection:

( ) Beginning July 1, 2021:

(1) A law enforcement agency, the state crime lab, and any other similar qualified laboratory that receives, maintains, stores, or preserves sexual assault evidence collection kits or hold kits must participate in the electronic tracking system created by the Tennessee bureau of investigation pursuant to Section 8;

(2) A law enforcement agency receiving a sexual assault evidence collection kit after the conclusion of the forensic medical examination, shall provide the victim with the written pamphlet created by the Tennessee bureau of investigation pursuant to Section 8 explaining how to use the tracking system

and the tracking number for the victim's sexual assault evidence collection kit or hold kit; and

(3) A law enforcement agency receiving a sexual assault evidence collection kit or hold kit from a healthcare provider must enter the sexual assault evidence collection kit or hold kit into the tracking system within ten (10) days of receipt of the evidence from the healthcare provider. The location and status of the evidence must be updated in the tracking system by the law enforcement agency and the state crime lab or other similar qualified laboratory taking possession of the kit at each step of the process, including submission of the evidence to the laboratory for testing, laboratory testing status, and evidence disposition following laboratory testing.

SECTION 3. Tennessee Code Annotated, Section 39-13-519(d)(1), is amended by deleting the language "sixty (60) days" and substituting instead "forty-five (45) days".

SECTION 4. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language "sixty (60) days" and substituting instead "forty-five (45) days".

SECTION 5. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language "three (3) years" and substituting instead "ten (10) years".

SECTION 6. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following new section:

Sexual assault forensic evidence obtained pursuant to § 39-13-519 may not be used:

(1) To prosecute a sexual assault victim for any misdemeanor offense or any offense defined under title 39, chapter 17, part 4; or

(2) As a basis to search for further evidence of any unrelated misdemeanor offense or any offense defined under title 39, chapter 17, part 4, that may have been committed by the sexual assault victim.

SECTION 7. Tennessee Code Annotated, Title 40, Chapter 38, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Crime assistance program" includes, but is not limited to, programs that provide appropriate counseling and support to victims;

(2) "Sexually oriented crime" means those crimes listed in § 29-13-118(b); and

(3) "Victim" means a victim of a sexually oriented crime.

(b) A victim of a sexually oriented crime has the right to:

(1) Consult with a crime victim advocate from a crime assistance program or a victim-witness coordinator as provided for in § 8-7-206 at any stage of the criminal proceeding;

(2) Have a support person of the victim's choosing present during any forensic medical examination and during any interview with law enforcement, the prosecuting attorney, the defendant, or the defendant's attorney if the person is not reasonably expected to be a witness in the case; and

(3) Upon request, be interviewed by a law enforcement official of the gender of the victim's choosing if available.

(c) This section applies if practical and if the presence of the crime victim advocate, victim-witness coordinator, or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate, victim-witness coordinator, or support person is to provide emotional support to the victim.

SECTION 8. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, "forensic medical examination", "law enforcement agency", "sexual assault evidence collection kit", and "victim" have the same meanings as defined in § 39-13-519.

(b) The Tennessee bureau of investigation shall develop and implement an electronic system that tracks the location and laboratory analysis status of each sexual

assault evidence collection kit released to a law enforcement agency at the conclusion of a forensic medical examination on or after July 1, 2021.

(c) The system must have the capacity to allow a victim to track by internet the location and status of the victim's sexual assault evidence collection kit by use of a tracking number provided to the victim by the law enforcement agency receiving the sexual assault evidence collection kit after the conclusion of the forensic medical examination. At any time, the victim must be able to use the tracking number by inputting it into an online system to determine the current location and laboratory analysis status of the victim's sexual assault evidence collection kit.

(d) The Tennessee bureau of investigation shall create a written pamphlet explaining how to access and use the tracking system and make the pamphlet available to law enforcement agencies. The law enforcement agency receiving the sexual assault evidence collection kit must provide the pamphlet to the victim with the tracking number.

(e) Records and information contained in the tracking system pursuant to this section are not confidential and not a public record.

SECTION 9. Section 8 of this act shall take effect upon becoming law, the public welfare requiring it. All other provisions of this act shall take effect July 1, 2020, the public welfare requiring it.