

Amendment No. \_\_\_\_\_

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**Signature of Sponsor**

**AMEND Senate Bill No. 2215\***

**House Bill No. 2576**

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following section:

(a) As used in this section:

(1) "Biological female" means a person who was born with female anatomy and two (2) X chromosomes in the person's cells;

(2) "Biological male" means a person who was born with male anatomy and X and Y chromosomes in the person's cells;

(3) "Healthcare professional" means a physician or other healthcare practitioner licensed, registered, accredited, or certified to perform specified healthcare services pursuant to title 63 or title 68 and regulated under the authority of the department of health or any agency, board, council, or committee attached to the department;

(4) "Puberty" has the same meaning as defined in § 49-6-1301;

(5) "Sexual identity" means an individual's self-recognition and self-expression as either a biological female or biological male; and

(6) "Sexual identity change therapy" means a course of treatment that involves the use of hormone replacement, puberty blockers, or other medical intervention to change the sexual identity or physical appearance of a patient to a sexual identity or physical appearance that does not correspond to the anatomy and chromosomal makeup with which the patient was born.



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(b)

(1) A person shall not provide or facilitate the provision of sexual identity change therapy to a minor who has not yet entered puberty.

(2) A person shall not provide or facilitate the provision of sexual identity change therapy to a minor who has entered puberty unless both parents or the legal guardian of the minor provides a signed, written statement recommending physical sexual identity change therapy for the minor from:

(A) Two (2) or more physicians licensed under title 63, chapter 6 or 9; and

(B) At least one (1) physician licensed under title 63, chapter 6 or 9, who is board-certified in child and adolescent psychiatry, and who is not the same person as any physician whose written recommendation is used to satisfy subdivision (b)(2)(A).

(3) It is not a violation of this subsection (b) if the minor has:

(A) A confirmed diagnosis of an abnormal birth defect involving genitalia or gonads;

(B) Genetic anomalies involving X or Y chromosomes;

(C) Physical disease with life-threatening consequences absent such intervention; or

(D) An accident involving irreparable mutilation of genitalia.

(c)

(1) A violation of this section is punishable as a Class A misdemeanor pursuant to § 39-15-401 regardless of the minor's age.

(2) A healthcare professional who violates this section is subject to a civil action in tort in accordance with applicable healthcare liability provisions in title 29, chapter 26. Notwithstanding any law to the contrary, a civil action may be

filed under this subdivision (c)(2) up to seven (7) years after a minor turns twenty-one (21) years of age.

(3) In addition to any criminal liability under subdivision (c)(1), a violation of this section by a healthcare professional constitutes professional misconduct and is subject to discipline by the healthcare professional's licensing authority.

SECTION 2. Tennessee Code Annotated, Section 39-15-401(g), is amended by deleting the language "dehydration or acts of female genital mutilation as defined in § 39-13-110" and substituting instead the language "dehydration, acts of female genital mutilation as defined in § 39-13-110, or the provision of sexual identity change therapy to a child in violation of Section 1".

SECTION 3. This act shall take effect October 1, 2020, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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**AMEND Senate Bill No. 1194**

**House Bill No. 1309\***

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

SECTION 1. This act shall be known and may be cited as "Evelyn Boswell's Law."

SECTION 2. Tennessee Code Annotated, Section 37-10-202, is amended by deleting the section and substituting the following:

(a) Except as provided in subsection (b), whenever a parent knows, learns, or believes that a child under the parent's charge and care is missing, the parent shall report the child as being missing to a law enforcement agency, or the Tennessee bureau of investigation, and make a statement to the agency of all available facts that will aid in the recognition, identification, location, and recovery of the missing child.

(b) Whenever the parent knows, learns, or believes that a minor child under the parent's charge and care is missing, the parent shall make the report under subsection (a) within forty-eight (48) hours. As used in this section, "minor child" means a person who is twelve (12) years of age or younger.

(c)

(1) A parent who is subject to the duty imposed by subsection (b) commits the offense of failure to report a missing child if the parent fails to make, or fails to cause to be made, the report required under subsection (b) with intentional or reckless disregard for the safety of the minor child.

(2) Failure to report a missing child is a Class A misdemeanor.

(d)

(1) A parent who is subject to the duty imposed by subsection (b) is guilty of aggravated failure to report a missing child if the parent fails to make, or fails



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to cause to be made, the report required under subsection (b) with intentional or reckless disregard for the safety of the minor child and the minor child suffers serious bodily harm or death.

(2) Aggravated failure to report a missing child is a Class C felony.

(e) This section does not prohibit prosecution under any other law.

(f) It is a defense to prosecution under this section that the parent made reasonably diligent efforts to verify the whereabouts and safety of the minor child during the period of any delay in making the report required by subsection (b).

(g) A person who knowingly makes a false allegation against a parent of failure to report a missing child as required by this section, in addition to any other penalties provided for by law, may be prosecuted for the offense of false reports under § 39-16-502, and the court may order the accuser to pay all litigation expenses, including, but not limited to, reasonable attorney's fees, discretionary costs, and other costs incurred by the wrongly accused party in defending against the false allegation.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to conduct occurring on or after that date.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

AMEND Senate Bill No. 2894

House Bill No. 1990\*

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

SECTION 1. Tennessee Code Annotated, Section 71-6-118(c)(2), is amended by adding the following as a new subdivision:

( ) Shall provide to the district attorney general, upon request, the names of individuals obtained in the course of an adult protective services' investigation that have information relevant to a criminal investigation of alleged conduct involving an elderly or vulnerable adult victim, except that if the name of the person that reported the alleged conduct is included, the individual must not be identified as the reporter of the alleged conduct;

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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AMEND Senate Bill No. 2534

House Bill No. 2653\*

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

SECTION 1. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult; a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

- (1) A threat to the alleged victim;
- (2) A threat to public safety; and
- (3) Reasonably likely to appear in court.

SECTION 2. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:



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(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 3. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 4. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting instead the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 5. Tennessee Code Annotated, Section 40-35-115(b), is amended by inserting the following language as a new subdivision:

( ) The defendant has been convicted of two (2) or more offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 6. Tennessee Code Annotated, Section 39-15-506, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court, for a conviction of § 39-15-507(d), the clerk of the court shall notify the department of health of the conviction by sending a

copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 7. Tennessee Code Annotated, Section 39-13-501, is amended by adding the following new subdivision:

( ) "Vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless.

SECTION 8. Tennessee Code Annotated, Section 39-13-502(a)(3), is amended by adding a new subdivision (C) as follows:

(C) The defendant knows or has reason to know that the victim is a vulnerable adult.

SECTION 9. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means physical pain, injury, or diminished health, regardless of gravity or duration. As used in this subdivision (9), "diminished health" means to make or cause the mental, emotional, or physical health of an individual to be weakened, lessened, or reduced;

SECTION 10. Tennessee Code Annotated, Section 39-13-503, is amended by adding the following as a new subdivision (3) and renumbering the current subdivisions (3) and (4) appropriately:

(3) The defendant knows or has reason to know that the victim is a vulnerable adult;

SECTION 11. This act shall take effect July 1, 2020, the public welfare requiring it.

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**AMEND Senate Bill No. 755\***

**House Bill No. 989**

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

SECTION 1. Tennessee Code Annotated, Section 37-1-102(27), is amended by adding the following new subdivision:

( ) Knowingly or with negligence allowing a child to be within a structure where a Schedule I or Schedule II controlled substance listed in title 39, chapter 17, part 4, is present and accessible to the child;

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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AMEND Senate Bill No. 2673

House Bill No. 2762\*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-114, is amended by deleting subsection (c) and substituting instead the following language:

(c) A person commits the offense of communicating a threat concerning a school if:

(1) The person knowingly communicates, directly or indirectly, singly or in concert with others, orally or in writing, including an electronically transmitted communication producing a visual message, a threat of death, serious bodily injury, or any act that would likely result in death or serious bodily injury, in regard to the premises of any school, school-sponsored event, or school bus; and

(2) The communication is made with the intent to cause such death or serious bodily injury, the intent to cause terror, the intent to cause serious public inconvenience, or with reckless disregard of the risk of causing the terror, evacuation, or serious public inconvenience.

SECTION 2. Tennessee Code Annotated, Section 39-13-114, is amended by adding the following language as a new subsection:

(d)

(1) A violation of subsection (b) is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

(2) A violation of subsection (c) is a Class D felony.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to violations occurring on or after that date.



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Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 2211**

**House Bill No. 2126\***

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

SECTION 1. Tennessee Code Annotated, Section 39-13-519(d), is amended by deleting the language "sixty (60) days" wherever it appears and substituting instead the language "thirty (30) days".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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**AMEND Senate Bill No. 2674**

**House Bill No. 2816\***

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following language as a new part:

(a) There is created within the Tennessee bureau of investigation a registry of persons with two (2) or more convictions of any combination of the following offenses:

- (1) Assault, pursuant to § 39-13-101;
- (2) Aggravated assault, pursuant to § 39-13-102;
- (3) First degree murder, pursuant to § 39-13-202;
- (4) Second degree murder, pursuant to § 39-13-210;
- (5) Voluntary manslaughter, pursuant to § 39-13-211;
- (6) Abuse of an elderly or vulnerable adult, pursuant to § 39-15-510;
- (7) Aggravated abuse of an elderly or vulnerable adult, pursuant to § 39-15-511;
- (8) Child abuse or child neglect or endangerment, pursuant to § 39-15-401;
- (9) Aggravated child abuse or aggravated child neglect or endangerment, pursuant to § 39-15-402;
- (10) Domestic assault, pursuant to § 39-13-111;
- (11) Involuntary labor servitude, pursuant to § 39-13-307;
- (12) Trafficking for forced labor or services, pursuant to § 39-13-308;
- (13) Promoting the prostitution of a minor, pursuant to § 39-13-512;
- (14) Robbery, pursuant to § 39-13-401;



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(15) Aggravated robbery, pursuant to § 39-13-402;

(16) Especially aggravated robbery, pursuant to § 39-13-403;

(17) Carjacking, pursuant to § 39-13-404;

(18) Violation of an order of protection or restraining order, pursuant to § 39-13-113; or

(19) Conspiracy to commit, attempt to commit, or solicitation to commit any of the offenses listed in subdivisions (a)(1)-(18).

(b) The bureau shall maintain this registry based upon information supplied to the bureau by the court clerks pursuant to subsections (c) and (d), and information available to the bureau from the department of correction and local law enforcement agencies. The bureau shall make the registry available for public inquiry on the internet.

(c) The registry must consist of the person's name, date of birth, offenses requiring the person's inclusion on the registry, conviction dates, county or counties of the convictions, and a current photograph of the person. If available after reasonable inquiry, the court clerk shall provide the bureau with a copy of the person's driver license, or any other state or federal identification, and such other identifying data as the bureau determines is necessary to properly identify the convicted person and exclude innocent persons. However, the registry available for public inquiry must not include the person's social security number, driver license number, or any other state or federal identification number.

(d) Upon a second or subsequent conviction of any combination of the offenses described in subsection (a), the court clerk shall forward to the bureau a certified copy of each qualifying conviction and the date of birth of all persons who have two (2) or more convictions of any combination of the offenses described in subsection (a). The court clerk shall forward the information to the bureau within sixty (60) days of the date of the second or subsequent conviction.

(e) Notwithstanding § 40-35-111 and in addition to any other punishment that may be imposed for the second or subsequent conviction, a person required to register

under this part must be assessed a registration fee in the amount of one thousand dollars (\$1,000), which must be paid to the clerk of the court imposing the sentence, who shall:

(1) Retain one hundred dollars (\$100) of the fee for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year;

(2) Remit one hundred dollars (\$100) of the fee to the bureau for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year; and

(3) Remit the remaining eight hundred dollars (\$800) to the state treasurer for deposit in a fund established pursuant to § 38-6-103(d)(1)(C) to be used by the bureau for the purpose of employing personnel, purchasing equipment and supplies, paying for the education, training, and scientific development of employees, or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner.

(f) The bureau shall remove from the registry the name and other identifying information of persons required to register under this part ten (10) years after the date of the most recent conviction.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

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**AMEND Senate Bill No. 409\***

**House Bill No. 1131**

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

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (a) and substituting instead the following:

(a) "Bounty hunting" means a person who acts as an agent of a professional bondsman who attempts to or takes into custody a person who has failed to appear in court and whose bond has been forfeited, for a fee, the payment of which is contingent upon the taking of a person into custody and returning the person to the custody of the professional bondsman for whom the bounty hunter works. "Bounty hunting" does not include the taking into custody of a person by a professional bondsman; provided, that the professional bondsman is arresting a person with whom the professional bondsman, or the company or surety for whom the professional bondsman acts as an approved agent, has privity of contract.

SECTION 2. Tennessee Code Annotated, Section 40-11-318, is amended by deleting subsection (b) and substituting instead:

(b)

(1) The following individuals shall not serve as a bounty hunter in this state:

(A) An individual who has been convicted of a felony in any state;

or



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(B) An individual who has been convicted of two (2) or more Class A or Class B misdemeanors in this state, or equivalent offenses in any other state, within the past five (5) years.

(2) A violation of subdivision (b)(1) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 40-11-401, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b) Each person acting as a bounty hunter pursuant to § 40-11-318, including a professional bondsman acting as a bounty hunter, must obtain eight (8) hours of continuing education credits, with at least five (5) of those hours having a specific focus on bounty hunting, during each twelve-month period, beginning on January 1, 2021.

SECTION 4. Tennessee Code Annotated, Section 40-11-133, is amended by adding the following language as a new subsection:

(e) A professional bondsman or the agent of a professional bondsman who is arresting a defendant pursuant to this section shall not:

(1) Make a representation that the professional bondsman or the agent of the professional bondsman is a member of a law enforcement organization;

(2) Wear clothing or a uniform intended to give the impression that the professional bondsman or the professional bondsman's agent is employed by, affiliated with, or acting in the capacity of a law enforcement organization; or

(3) Wear clothing bearing an identifying title other than "Bail Bondsman".

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

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Signature of Sponsor

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**AMEND Senate Bill No. 2275**

**House Bill No. 2280\***

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

SECTION 1. Tennessee Code Annotated, Section 39-13-309(c), is amended by deleting the language "child under fifteen (15) years of age" and substituting instead "minor".

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i), is amended by redesignating the current subdivision (i)(3) as (i)(4) and inserting the following new subdivision (i)(3):

(3) There shall be no release eligibility for a person committing a human trafficking offense, defined in § 39-13-314 as the commission of any act that constitutes the criminal offense of involuntary labor servitude under § 39-13-307; trafficking persons for forced labor or services under § 39-13-308; trafficking for commercial sex act under § 39-13-309 or promoting the prostitution of a minor under § 39-13-512, on or after July 1, 2020. The person shall serve one hundred percent (100%) of the sentence imposed by the court less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236 or any other provision of law, shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following language as a new section:

(a) Aggravated human trafficking is the commission of an act that constitutes any of the following criminal offenses, if the victim of the criminal offense is under thirteen (13) years of age:

- (1) Involuntary labor servitude, under § 39-13-307;
- (2) Trafficking persons for forced labor or services, under § 39-13-308;



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- (3) Trafficking for commercial sex act, under § 39-13-309; or
- (4) Promoting the prostitution of a minor, under § 39-13-512.

(b)

(1) Aggravated human trafficking is a Class A felony.

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon the person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

(c) A person convicted of a violation of this section is required to serve the entire sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. A person convicted of a violation of this section is permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(d) Title 40, chapter 35, part 5, regarding release eligibility status and parole, does not apply to or authorize the release of a person convicted of a violation of this section prior to service of the entire sentence imposed by the court.

(e) Nothing in title 41, chapter 1, part 5, gives either the governor or the board of parole the authority to release or cause the release of a person convicted of a violation of this section prior to the service of the entire sentence imposed by the court.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to all offenses committed on or after that date.

Amendment No. \_\_\_\_\_

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**AMEND Senate Bill No. 2004**

**House Bill No. 2003\***

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

SECTION 1. Tennessee Code Annotated, Section 55-10-419, is amended by deleting the section and substituting instead the following:

(a)

(1)

(A)

(i) There is created in the state treasury a fund known as the DUI monitoring indigency fund. The fund must be used for eligible costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices or with any other cost or fee associated with a functioning ignition interlock device required by this part for persons determined by the court to be indigent.

(ii) There is created in the department of finance and administration, office of criminal justice programs, a fund known as the electronic monitoring indigency fund. The fund must be used for eligible costs associated with the use of a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device, if required by the court pursuant to § 40-11-152, § 55-10-402(d)(2)(A)(iii) or (h)(7), or any other statute specifically authorizing payment under this section, for persons determined by the court to be indigent.



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(B) Notwithstanding subdivision (a)(1)(A), no more than two hundred dollars (\$200) per month may be expended from the appropriate fund to pay the costs associated with an indigent person's interlock ignition device, pursuant to subdivision (a)(1)(A)(i), or other monitoring device pursuant to subdivision (a)(1)(A)(ii).

(2) Moneys in the funds must not revert to the general fund of the state, but must remain available to be used as provided for in subdivision (a)(1).

(3) Interest accruing on investments and deposits of the DUI and electronic monitoring indigency funds must be credited to such fund, must not revert to the general fund, and must be carried forward into each subsequent fiscal year.

(4) Moneys in the DUI monitoring indigency fund must be invested by the state treasurer in accordance with § 9-4-603.

(b) Except as otherwise provided in § 55-10-409(b)(2)(D), the costs incurred in order to comply with the ignition interlock requirements must be paid by the person ordered to install a functioning ignition interlock device, unless the court finds such person to be indigent. If a court determines that a person is indigent, the court must order the person to pay any portion of the costs which the person has the ability to pay, as determined by the court. Any portion of the costs the person is unable to pay must come from the DUI monitoring indigency fund established in subsection (a).

(c) Whenever a person ordered to install a device pursuant to § 55-10-409(b)(2), § 55-10-409(d)(2), § 55-10-417(a)(1), or § 55-10-417(k) asserts to the court that the person is indigent and financially unable to pay for a functioning ignition interlock device, it is the duty of the court to conduct a full and complete hearing as to the financial ability of the person to pay for the device and, thereafter, make a finding as to the indigency of the person.

(d) A person is indigent and financially unable to pay for a functioning ignition interlock device if the person is receiving an annual income, after taxes, of one hundred eighty-five percent (185%) or less of the poverty guidelines updated periodically in the federal register by

the United States department of health and human services under the authority of 42 U.S.C. § 9902(2).

(e) Every person who informs the court that the person is financially unable to pay for a functioning ignition interlock device is required to complete an affidavit of indigency that is designed by the administrative office of the courts for purposes of assisting the court in making its determination pursuant to subsection (c). If the person intentionally misrepresents, falsifies or withholds any information required by the affidavit of indigency, such person commits perjury as set out in § 39-16-702.

(f)

(1) In the event that the state treasurer determines or anticipates that the DUI monitoring indigency fund has or will have insufficient funds to pay for eligible claims or invoices as they are received, the state treasurer is authorized to stop accepting, determining eligibility for, or paying claims or invoices submitted by providers of ignition interlock devices for a period of time determined by the state treasurer. The state treasurer may begin accepting or paying claims or invoices submitted by providers of ignition interlock devices with service dates on or after the date on which the state treasurer determines that there is a sufficient amount of money in the fund. The state treasurer shall notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the fund again. The state treasurer may establish an order of priority for paying claims and invoices from the fund after the period of insolvency.

(2) In the event that the director of the office of criminal justice programs determines or anticipates that the electronic monitoring indigency fund has or will have insufficient funds to pay for eligible claims or invoices as they are received, the director of the office of criminal justice programs is authorized to stop accepting, determining eligibility for, or paying claims or invoices submitted by providers of transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global

positioning monitoring devices for a period of time determined by the director of the office of criminal justice programs. The director of the office of criminal justice programs may begin accepting or paying claims or invoices submitted by providers of transdermal monitoring devices, other alternative alcohol or drug monitoring devices, or global positioning monitoring devices with service dates on or after the date on which the director of the office of criminal justice programs determines that there is a sufficient amount of money in the fund. The director of the office of criminal justice programs shall notify providers and the administrative office of the courts of the anticipated date that provider claims and invoices will be accepted and paid from the fund again. The director of the office of criminal justice programs may establish an order of priority for paying claims and invoices from the fund after the period of insolvency.

(g)

(1) All proceeds collected pursuant to §§ 55-10-413(a) and 69-9-219(c)(9) must be transmitted to the treasurer for deposit in the DUI monitoring indigency fund.

(2) The fees assessed pursuant to §§ 55-10-413(a) and 69-9-219(c)(9) must be allocated as follows:

(A) Thirty dollars and fifty cents (\$30.50) to the DUI monitoring indigency fund for the purpose of paying for the following for persons found to be indigent by the court:

(i) All the costs associated with the lease, purchase, installation, removal, and maintenance of a functioning ignition interlock device or with any other cost or fee associated with a functioning ignition interlock device required by this part; and

(ii) All the administrative costs incurred by the department of treasury in administering the DUI monitoring indigency fund;

(B) Four dollars fifty cents (\$4.50) to the Tennessee Hospital Association for the sole purposes of making grants to hospitals that have been designated as

critical access hospitals under the Medicare rural flexibility program for the purposes of purchasing medical equipment, enhancing high technology efforts and expanding healthcare services in underserved areas;

(C) One dollar twenty-five cents (\$1.25) to the department of mental health and substance abuse services to be placed in the alcohol and drug addiction treatment fund;

(D) One dollar twenty-five cents (\$1.25) to the department of safety, Tennessee highway safety office, for the sole purpose of funding grant awards to local law enforcement agencies for purposes of obtaining and maintaining equipment and personnel needed in the enforcement of alcohol related traffic offenses;

(E) One dollar twenty-five cents (\$1.25) to the department of safety to be used to defray the expenses of administering this part; and

(F) One dollar twenty-five cents (\$1.25) to the department of finance and administration, office of criminal justice programs, for the sole purpose of funding grant awards to halfway houses whose primary focus is to assist drug and alcohol offenders. In order for a halfway house to qualify for such grant awards it must provide:

(i) No less than sixty (60) residential beds monthly with occupancy at no less than ninety-seven percent (97%) per month, or if a halfway house with nonresidential day reporting services, it must serve no less than two hundred (200) adults monthly;

(ii) Safe and secure treatment facilities, and treatment to include moral recognition therapy, GED course work, anger management therapy, and domestic and family counseling; and

(iii) Transportation to and from work, mental health or medical appointments for each of its residents.

(3)

(A) Beginning in fiscal year 2013-2014, any surplus in the DUI monitoring indigency fund must be allocated as follows:

(i) Fifty percent (50%) of such surplus must be transmitted to the department of mental health and substance abuse services and placed in the alcohol and drug addiction treatment fund; and

(ii) Fifty percent (50%) of such surplus must be used by the department of safety, Tennessee highway safety office, to provide grants to local law enforcement agencies for purposes of obtaining and maintaining equipment or personnel needed in the enforcement of alcohol-related traffic offenses.

(B)

(i) Beginning on July 1, 2013, and annually thereafter, the treasurer shall conduct an analysis to determine the solvency of the DUI monitoring indigency fund. The treasurer may declare a surplus if the analysis determines that there is a balance in excess of the amount necessary to maintain the solvency of the fund, and shall report the amount of any surplus to the commissioner of finance and administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51.

(ii) Beginning on July 1, 2021, and annually thereafter, the director of the office of criminal justice programs shall conduct an analysis to determine the solvency of the electronic monitoring indigency fund. The director of the office of criminal justice programs may declare a surplus if the analysis determines that there is a balance in excess of the amount necessary to maintain the solvency of the fund, and shall report the amount of any surplus to the commissioner of finance and

administration for inclusion in the annual budget document prepared pursuant to title 9, chapter 4, part 51.

(h) For purposes of this section, "previous year" means from January 1 to December 31 of the year immediately preceding the February 1 reporting date.

(i) No later than a date certain established by the director of the office of criminal justice programs, each local government has the option to participate in the electronic monitoring indigency fund by having the costs for eligible devices paid from the fund for each local government's indigent defendants. The local government must demonstrate participation through a resolution legally adopted and approved by the local government's legislative body providing acceptance of the liability associated with participation and containing the maximum liability that the local government commits to its participation in the fund. For each subsequent year of participation and no later than a date certain established by the director of the office of criminal justice programs, the local government must notify the director of the office of criminal justice programs of the budgeted amount that is approved for participation in the fund within thirty (30) days from when a budget is approved by the local legislative body and shall provide a copy of the approved budget to the director of the office of criminal justice programs. The director of the office of criminal justice programs shall develop a formula, based in part on each participating city or county's total population versus the respective city or county's pretrial detention population, to determine the maximum amount of money each city or county is entitled to access from the electronic monitoring indigency fund. The state will provide funds matching each local government's maximum liability or budgeted amount for participation in the fund, up to the maximum amount of money the local government is entitled to access from the fund and subject to an appropriation by the state. Each participating local government will pay fifty percent (50%) of the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices for indigent defendants within the local government's jurisdiction, and the state will match the local

government's cost by providing the other fifty percent (50%) of funding, up to the maximum amount of money the local government is entitled to access from the fund.

(j) In obtaining money from participating local governments, the state may either bill the local governments for costs associated with eligible devices or draw revenue from the local government's state-shared taxes.

(k) In paying claims or invoices for indigent defendants in a participating city or county, the state shall only pay for the costs associated with transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices when the local government has remitted fifty percent (50%) of the total eligible costs to the state.

(l) A local government may withdraw from participation in the electronic monitoring indigency fund at any time and reenter as a participant within the time frame established by the director of the office of criminal justice programs. After a local government's withdrawal from participation, the local government shall continue to pay all outstanding liabilities for eligible devices.

(m)

(1) The director of the office of criminal justice programs shall develop a model request for proposals (RFP) for use by a participating city or county in determining with which providers of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices to contract.

(2) Each provider of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices must contract with a participating city or county through an RFP process in order to submit a claim for payment from the electronic monitoring fund to the director of the office of criminal justice programs.

(3) If a participating city or county chooses to deviate from the RFP process or the model RFP developed by the director of the office of criminal justice programs, then the participating city or county must complete a waiver request form created by the office

of criminal justice programs and submit the waiver to the director of the office of criminal justice programs for approval or denial. An RFP process used by a participating city or county must meet the minimum standards developed by the director of the office of criminal justice programs pursuant to subdivision (m)(1).

(n) The DUI monitoring indigency fund shall be administered by the treasurer. Through the administration of the fund, the treasurer has the authority to:

(1) Determine that the money is paid out of the fund for eligible devices and offenses pursuant to applicable laws and rules; and

(2) Promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of the fund.

(o) For the efficient administration of the DUI monitoring indigency fund, providers of ignition interlock devices shall:

(1) Submit a claim to the treasurer electronically on a form prescribed by the treasurer no later than ninety (90) calendar days after the device has been ordered by the court accompanied by:

(A) The court order requiring the device;

(B) The affidavit of indigency; and

(C) An attestation from the provider for each claim indicating that the charges contained in the claim are true and accurate and do not contain duplicate claims or charges previously submitted to the treasurer for reimbursement;

(2) Submit invoices to the treasurer no later than one hundred eighty (180) calendar days from the date of service;

(3) Submit amendments to documents previously submitted or new documentation in support of a claim or invoice to the treasurer no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and

(4) Submit any additional information or complete any additional forms requested by the treasurer.

(p) The electronic monitoring indigency fund is administered by the director of the office of criminal justice programs. Through the administration of the fund, the director of the office of criminal justice programs has the authority to:

(1) Determine that the money is paid out of the fund for eligible devices and offenses pursuant to applicable laws and rules; and

(2) Promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the administration of the fund.

(q) For the efficient administration of the electronic monitoring indigency fund, providers of transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices shall:

(1) Submit a claim to the director of the office of criminal justice programs electronically on a form prescribed by the director of the office of criminal justice programs no later than ninety (90) calendar days after the device has been ordered by the court accompanied by:

(A) The court order requiring the device;

(B) The affidavit of indigency; and

(C) An attestation from the provider for each claim indicating that the charges contained in the claim are true and accurate and do not contain duplicate claims or charges previously submitted to the director of the office of criminal justice programs for reimbursement;

(2) Submit invoices to the director of the office of criminal justice programs no later than one hundred eighty (180) calendar days from the date of service;

(3) Submit amendments to documents previously submitted or new documentation in support of a claim or invoice to the director of the office of criminal justice programs no later than ninety (90) calendar days after the provider's receipt of the amended or new documentation; and

(4) Submit any additional information or complete any additional forms requested by the director of the office of criminal justice programs.

(r) The provider shall ensure that the court orders submitted to the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q) do not contain handwritten changes and are submitted on a uniform court order prescribed by the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q).

(s) If a provider filing a claim or invoice for reimbursement from either of the funds knowingly makes a false, fictitious, or fraudulent statement or representation, or knowingly submits false, fictitious, or fraudulent documentation or information to the treasurer pursuant to subsection (o) or the director of the office of criminal justice programs pursuant to subsection (q) for reimbursement, the provider may be liable under the False Claim Act compiled in title 4, chapter 18.

(t) If a provider is overpaid from either of the funds for any reason, the treasurer is authorized to exercise a right of set-off against any amount due to the provider from the DUI monitoring indigency fund and the director of the office of criminal justice programs is authorized to exercise a right of set-off against any amount due to the provider from the electronic monitoring indigency fund.

SECTION 2. Tennessee Code Annotated, Section 69-9-219(c)(9), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 3. Tennessee Code Annotated, Section 40-11-118(d)(2)(B), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 4. Tennessee Code Annotated, Section 40-11-148(b)(2)(B), is amended by deleting the language "the electronic monitoring indigency fund," and substituting instead "the DUI monitoring indigency fund".

SECTION 5. Tennessee Code Annotated, Section 40-28-201(a)(5), is amended by deleting the language "the electronic monitoring indigency fund," and substituting instead "the DUI monitoring indigency fund".

SECTION 6. Tennessee Code Annotated, Section 40-33-211(c)(3), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 7. Tennessee Code Annotated, Section 40-33-211(f)(3), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 8. Tennessee Code Annotated, Section 55-10-409(b)(2)(C), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 9. Tennessee Code Annotated, Section 55-10-417(m), is amended by deleting the language "electronic monitoring indigency fund" and substituting instead "DUI monitoring indigency fund".

SECTION 10. Tennessee Code Annotated, Section 55-10-425(g), is amended by deleting the language "electronic monitoring" and substituting instead "DUI monitoring".

SECTION 11. This act shall take effect July 1, 2021, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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**AMEND Senate Bill No. 2749**

**House Bill No. 2275\***

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

SECTION 1. Tennessee Code Annotated, Section 39-16-302, is amended by deleting the section and substituting instead the following:

(a)

(1) It is unlawful for any person who is not licensed, certified, or registered to do so, to practice or pretend to be licensed, certified, or registered to practice a profession listed in subdivision (a)(2) that requires a licensure, certification, or registration.

(2) This subsection (a) applies to the following licenses, certifications, and registrations:

(A) A license issued by the board of law examiners, created under § 23-1-101;

(B) The licensure of services and facilities operated pursuant to title 33, chapter 2, part 4, for the provision of mental health services, alcohol, and drug abuse prevention or treatment; for the provision of services for intellectual and developmental disabilities; and for personal support services;

(D) A license issued by any licensing authority created under titles 41, 48, 49, 56, and 71;

(E) A license issued by the department of financial institutions, when acting as a licensing authority pursuant to title 45;



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(F) Any license, certificate, or registration issued pursuant to the rules of the supreme court;

(G) The licensure of pain management clinics licensed pursuant to title 63, chapter 1, part 3; or

(H) The licensure of physicians under title 63, chapter 6 or 9.

(b) A person who is not licensed to engage in a practice, and practices or pretends to be licensed to practice a profession for which a license certifying the qualifications of the licensee to practice the profession is required, other than a license listed in subsection (a), may be prosecuted for criminal impersonation, pursuant to § 39-16-301.

(c) A violation of subsection (a) is a Class E felony.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 2447**

**House Bill No. 1577\***

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

SECTION 1. Tennessee Code Annotated, Section 40-11-152, is amended by adding the following new subsections:

( ) If the magistrate determines that the use of a global positioning monitoring system is an appropriate condition of release, the magistrate may order such use in lieu of requiring bail for the defendant.

( ) The administrative office of the courts shall:

(1) Develop a standardized, centralized system of collecting, maintaining, and sharing program-relevant data;

(2) Review policies and procedures to develop common sets for participating agencies to clarify expectations and roles; and

(3) Hire a global positioning monitoring system program manager to:

(A) Manage the daily operations and streamline the attachment and removal process, handle the logistics of device maintenance, storage, inventory, distribution, attachments, and removals;

(B) Provide regular training opportunities and encourage staff participation;

(C) Partner with law enforcement agencies with responsibility for real-time tracking, responding to violations, issuing warrants, making arrests, and assisting victim service agencies with victim participants;



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(D) Engagement with agencies that provide services to victims to close the feedback loop with respect to service provision for victims whose offenders are in the program and to encourage victim participation; and

(E) Create community outreach to encourage victim participation.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(c), is amended by deleting the subsection and substituting instead the following:

The defendant's presence in a location in which the magistrate prohibited the defendant going to or near is a violation of the conditions of bond and may result in revocation of the defendant's bond.

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

Amendment No. \_\_\_\_\_

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Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND**

**House Joint Resolution No. 817\***

by deleting all language after the caption and substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article II of the Constitution of Tennessee be amended by adding the following language as a new section:

The General Assembly, as representatives of the great people of Tennessee, shall have the sole authority to establish the framework, statutes, and laws regarding capital punishment, including, but not limited to, the crimes subject to this justice.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the House of Representatives is directed to deliver a copy of this resolution to the Secretary of State.



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