

Amendment No. _____

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

Signature of Sponsor

AMEND Senate Bill No. 2192

House Bill No. 2259*

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

37-1-___. Quality Statewide Data Collection.

(a) As used in this section:

(1) "Delinquent case" means a court proceeding concerning an alleged delinquent act or delinquent acts resulting in a charge or charges against a child arising out of a single episode;

(2) "Diversion" means the resolution of a delinquent case or unruly case through informal adjustment, pretrial diversion, or judicial diversion;

(3) "Episode" means a delinquent act or group of delinquent acts occurring as part of a continuous sequence, which may involve multiple victims;

(4) "Original offense" means a prior delinquent case or unruly case resulting in:

(A) Informal adjustment;

(B) Pretrial diversion;

(C) Judicial diversion; or

(D) Adjudication that the child was delinquent or unruly;

(5) "Out-of-home placement" means a court-ordered removal of a child from the child's residence while awaiting a court hearing or as part of an order of disposition in a delinquent case or unruly case, including, but not limited to, transfer of temporary legal custody or grant of permanent guardianship that



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results in a change of residence, commitment to the department of children's services, or placement in an institution, home, or other facility operated under the direction of the court or other local public authority;

(6) "Probation" means a court-ordered disposition in a delinquent case or unruly case in which a child is retained in the community, rather than removed to an out-of-home placement. Probation may be unsupervised or supervised by the court, the department of children's services, any person or agency designated by the court, or the court of another state, under conditions and limitations prescribed by the court in consultation with the supervising authority;

(7) "Re-offense" means a subsequent case in which a child is adjudicated delinquent or found unruly based upon conduct occurring within twelve (12) months of the ending date of the diversion, probation, or out-of-home placement resulting from the original offense; and

(8) "Unruly case" means a proceeding concerning an act or set of acts that result in a child being alleged to be an unruly child.

(b) A probation violation is included as part of the delinquent case or unruly case that resulted in the court order placing the child on probation; provided, that if the probation placement resulted from more than one (1) case, the violation must be included only as part of the case containing the most serious offense. A failure to appear is included as part of the delinquent case or unruly case that resulted in the court order requiring the child's appearance; provided, that if the order requiring the child's appearance resulted from more than one (1) case, the violation must be included only as part of the case containing the most serious offense.

(c) Juvenile courts shall assign each child alleged to be delinquent or unruly a unique child identification (ID) number, which the court shall use with respect to each proceeding involving that child.

(d) Each juvenile court, through the juvenile court clerk or juvenile court staff, shall, each month, in a format prescribed by the administrative office of the courts, report to the administrative office of the courts the following information:

(1) Each new delinquent case or unruly case in which a child is charged, including:

(A) The date the case was filed or opened;

(B) The statutory offense or offenses charged;

(C) The child's unique child ID number;

(D) The unique case or docket number, which shall not be the child's unique child ID number; and

(E) The child's name, date of birth, race, sex, ethnicity, and social security number.

(2) For each case reported pursuant to subdivision (d)(1), the following information, as applicable, along with the unique case or docket number:

(A) For cases that result in diversion, the date the child was placed on diversion, the type of diversion, the ending date for the diversion, and whether the diversion was successfully completed;

(B) The date the child was adjudicated delinquent or found unruly, and on which offenses, or the date the case was dismissed;

(C) For cases in which the child was adjudicated delinquent, the date the child's validated risk and needs assessment was completed pursuant to § 37-1-164;

(D) The date the case was closed, transferred to another juvenile court, transferred to the criminal court of competent jurisdiction, dismissed, or otherwise disposed of;

(E) For cases that result in probation, the date the child was placed on probation, the type of probation, the ending date of the probation, and whether the probation was successfully completed;

(F) For cases that result in a court-ordered out-of-home placement, the date of the out-of-home placement, the type of out-of-home placement, and the ending date of the out-of-home placement;

(G) Any post-adjudication detention ordered pursuant to § 37-1-131(a)(3), including the length of detention ordered; and

(H) For cases that result in a petition alleging a probation violation, the date the violation petition was filed, whether the violation petition resulted in diversion or adjudication, the date of the diversion or adjudication, the type of diversion or, if there was an adjudication, whether the violation was sustained or dismissed.

(e) The department of mental health and substance abuse services shall, each month, regarding cases in which a juvenile court refers a child to receive services provided by grantees funded through appropriations to the department under the Juvenile Justice Reform Act of 2018, report to the administrative office of the courts the following information:

(1) The number of children served;

(2) The age, race, sex, and county of residence of the children served;

and

(3) In the case of each child, whether the services were successfully completed or terminated due to unsuccessful completion.

(f) Identifying information received by the administrative office of the courts is confidential; must not be published, released, or otherwise disseminated; and must be maintained in accordance with state and federal laws and regulations regarding confidentiality. The administrative office of the courts may make such data available to properly concerned agencies and individuals, or to any person upon request, but any such publication or release of data must be limited to nonidentifying information. The administrative office of the courts shall develop guidelines and procedures to expunge

identifying information collected on juveniles; provided, that such expunction may occur only after the juvenile reaches the age that is beyond jurisdiction of the juvenile court.

(g) Nothing in this section mandates any change in a county's decision regarding the division of reporting responsibility between the juvenile court clerk and the youth services officer or any other juvenile court staff member.

SECTION 2. Tennessee Code Annotated, Section 37-1-164, is amended by adding the following as a new subsection (f):

(f) The administrative office of the courts may provide to each juvenile court having jurisdiction over a child charged with a delinquent or unruly offense the results of any validated risk and needs assessment concerning that child completed by another juvenile court; provided, that the judge or magistrate of the court having jurisdiction shall not access, review, or otherwise utilize such results before adjudication.

SECTION 3. Tennessee Code Annotated, Section 37-1-506, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 37-1-185(1), is amended by deleting the language "§ 37-1-506 and other" and substituting instead the language "any".

SECTION 5. The heading to Section 1 in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 6. This act shall take effect July 1, 2020, the public welfare requiring it.

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Signature of Sponsor

AMEND Senate Bill No. 2795

House Bill No. 2412*

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

SECTION 1. Tennessee Code Annotated, Section 34-1-106(b), is amended by adding the following language at the end of the subsection:

If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home and community based waiver services or intermediate care facility/intellectual disability (ICF/ID) services.

SECTION 2. Tennessee Code Annotated, Section 34-1-108(c)(3), is amended by adding the following sentence at the end of the subdivision:

If, after reasonable effort, a postal address cannot be ascertained, a notification may be published on the secretary of state's website and in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an



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individual receiving home and community-based waiver services or intermediate care facility/intellectual disability (ICF/ID) services.

SECTION 3. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following as a new subsection (f):

(f) Reports submitted under this section are confidential and are not open for inspection by the public.

SECTION 4. Tennessee Code Annotated, Section 34-3-106(6), is amended by deleting the subdivision and substituting instead the following:

(6) Request a protective order placing under seal the respondent's financial information and any health information not otherwise protected by § 34-3-105(f).

SECTION 5. Any court forms that do not comply with this act may be used until current supplies are exhausted and new forms prepared.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 2032*

House Bill No. 2588

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

SECTION 1. Tennessee Code Annotated, Section 36-6-408(a), is amended by deleting the subsection and substituting instead the following:

(a) In an action where a permanent parenting plan is or will be entered, each parent shall attend a parent educational seminar as soon as possible after the filing of the complaint. The seminar may be divided into sessions, which in the aggregate must not be less than four (4) hours in duration, and the minor children must be excluded from attending the seminar. The seminar must be educational in nature and not designed for individual therapy. The seminar must educate parents concerning how to protect and enhance the child's emotional development and inform the parents regarding the legal process. The seminar must include:

(1) At least one (1) thirty-minute video on adverse childhood experiences created:

(A) By the department of children's services in conjunction with the Tennessee commission on children and youth; or

(B) As part of the Building Strong Brains Tennessee public awareness campaign; and

(2) A discussion of alternative dispute resolution, marriage counseling, the judicial process, and common perpetrator attitudes and conduct involving domestic violence.



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SECTION 2. Tennessee Code Annotated, Section 36-6-408, is amended by inserting the following language as a new subsection:

() The requirement of attendance by parents at the parent educational seminar may be waived upon motion by either party and the agreement of the court upon the showing of good cause.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 2743

House Bill No. 1852*

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

SECTION 1. Tennessee Code Annotated, Section 37-1-116(j), is amended by adding the following new subdivision:

(5) Upon a security breach at a secure detention or correctional facility designated, operated, or approved by the court for confinement of juveniles, the on-site facility supervisor-in-charge shall immediately report the security breach to the department of children's services and the chief law enforcement officer of the county in which the facility is located. The report shall include the facts of the security breach, the time when the breach occurred, and the circumstances under which the breach occurred, together with the particular description of any person involved in the breach, including the person's age, size, complexion, race, and color of hair and eyes. As used in this subdivision (j)(5), "security breach" means entry into a secure detention or correctional facility by an adult or child who is not authorized to do so. An on-site facility supervisor-in-charge who fails to comply with the reporting requirement of this subdivision (j)(5) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 2. Tennessee Code Annotated, Section 37-1-116(j)(4), is amended by deleting the language "appropriate facility or departmental official" and substituting instead "on-site facility supervisor-in-charge", deleting the language "report the escape to" and substituting instead "report the escape to the department of children's services and", and adding the following language at the end of the subdivision:



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An on-site facility supervisor-in-charge who fails to comply with the reporting requirement of this subdivision (j)(4) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 3. Tennessee Code Annotated, Section 37-5-105(4), is amended by adding the following new subdivision:

(C) The annual report shall contain information about any escape, attempted escape, security breach, as defined in § 37-1-116(j)(5), or attempted security breach that has occurred in the previous calendar year at a secure detention or correctional facility designated, operated, or approved by a juvenile court for confinement of juveniles. The information shall include the facts of the escape, security breach, or attempt, the time when the escape, breach, or attempt occurred, and the circumstances under which the escape, breach, or attempt occurred.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it.