

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

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

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

**AMEND Senate Bill No. 2312**

**House Bill No. 2350\***

by adding the language "mental health hospital;" after the language "ambulatory surgical treatment center;" in subdivision (9)(A) in SECTION 1.

**AND FURTHER AMEND** in SECTION 1 by deleting subdivision (9)(B)(vii); by deleting the language "or" after subdivision (9)(B)(vi); and by adding the language "or" after subdivision (9)(B)(v).

**AND FURTHER AMEND** by adding the following as a new appropriately designated subdivision in SECTION 1:

( ) "Micro mental health-hospital" means a facility required to be licensed as a mental health hospital under title 33 that has no more than ten (10) beds for admitted patients;

**AND FURTHER AMEND** by adding the following to the amendatory language of SECTION 10 as a new subsection:

( ) This part does not require a certificate of need to establish or operate a micro mental health hospital in any county with a population less than one hundred fifty thousand (150,000), according to the 2010 federal census or any subsequent federal census.

**AND FURTHER AMEND** by deleting from SECTION 10 the language "home health agency" wherever it appears and substituting instead the language "home care organization".

**AND FURTHER AMEND** by deleting the amendatory language of SECTION 14 and substituting instead the following:

(i) All costs of the contested case proceeding and any appeals, including the administrative law judge's costs and deposition costs, such as expert witness fees and



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reasonable attorney's fees, must be assessed against the losing party in the contested case. If there is more than one (1) losing party, then the costs must be divided equally among the losing parties. Costs must not be assessed against the agency or against any applicant for a certificate of need who is defending the approval of the applicant's certificate of need application.

**AND FURTHER AMEND** by deleting SECTION 17 and substituting instead the following:

SECTION 17. Tennessee Code Annotated, Section 68-11-1614, is amended by deleting the section and substituting the following:

(a) The commissioner of health shall provide the agency with aggregate data from the hospital discharge database and ambulatory surgical treatment center discharge database within fourteen (14) business days from the commissioner's receipt of a request. The information must include aggregate data by state, county, or zip code, as requested. The information must not include any patient identifiers that would lead to a patient's identity, such as name or street address. All information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain any patient identifiers.

(b) The commissioner of mental health and substance abuse services shall provide the agency with aggregate data about nonresidential substitution-based treatment centers for opiate addiction licensed in Tennessee within fourteen (14) business days from the commissioner's receipt of a request. The information must include aggregate data about patient origin by state, county, or zip code, as requested, at licensee treatment centers in this state. The information must not include any patient identifiers that would lead to a patient's identity, such as name or street address. All information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain any patient identifiers.

(c) The commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities may submit written reports or statements

and they may also send representatives to testify before the agency to inform the agency with respect to applications.

**AND FURTHER AMEND** by deleting SECTION 23 and substituting instead the following:

SECTION 23. Tennessee Code Annotated, Section 68-11-1623, is amended by deleting the section and substituting the following:

(a) All fees and civil penalties authorized by this part must be paid by the health services and development agency or the collecting agency to the state treasurer and deposited in the state general fund and credited to a separate account for the agency. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost overruns, copying, and contested cases. Disbursements from that account may only be made for the purpose of defraying expenses incurred in the implementation and enforcement of this part by the agency. Funds remaining in the account at the end of any fiscal year do not revert to the general fund but remain available for expenditure in accordance with law.

(b) The agency shall prescribe fees by rule as authorized by this part. The fees must be in an amount that, in addition to the fees prescribed in subsection (c), provides for the cost of administering the implementation and enforcement of this part by the agency. Fees prescribed by the agency must be adjusted as necessary to provide that the account is fiscally self-sufficient and that revenues from fees do not exceed necessary and required expenditures.

(c) The department of health shall annually collect the following schedule of fees from healthcare providers, and the fees must be paid to the state treasurer and deposited in the state general fund and credited to the agency's separate account. The following schedule applies:

- (1) Residential hospice ..... \$100 per license;
- (2) Nursing homes 1-50 beds ..... \$500 per license;
- (3) Nursing homes 51-100 beds ..... \$1,500 per license;
- (4) Nursing homes 101+ beds ..... \$2,500 per license;

- (5) Hospitals 1-100 beds ..... \$2,000 per license;
- (6) Hospitals 101-200 beds ..... \$3,500 per license;
- (7) Hospitals 201+ beds ..... \$5,000 per license;
- (8) Ambulatory surgical treatment centers ..... \$1,000 per license;
- (9) Outpatient diagnostic centers ..... \$1,000 per license;
- (10) Home care organizations authorized to provide home health  
services or hospice services ..... \$500 per license;
- (11) Birthing Centers..... \$50 per license;
- (12) Nonresidential substitution-based treatment centers for opiate  
addiction ..... \$500 per license;
- (13) Intellectual disability institutional habilitation facilities  
..... \$100 per license.

**AND FURTHER AMEND** by deleting the effective date section and substituting instead the following:

SECTION \_\_. Section 23 of this act shall take effect July 1, 2020, the public welfare requiring it. The remainder of this act shall take effect January 1, 2021, the public welfare requiring it, and applies to certificate of need applications filed on or after that date.

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**AMEND Senate Bill No. 2273\***

**House Bill No. 2620**

by adding the following new sections immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 39-14-412, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) A violation of subsection (a) is a Class B misdemeanor. All violations shall be punished by at least twenty-five (25) hours of community service work to be determined by the court.

(2) A violation of subsection (b) is a Class E felony. In any sentence imposed for a violation of subsection (b), the court shall include a mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 39-14-414, is amended by deleting subdivisions (b)(1) and (b)(2) and substituting instead the following:

(b) As used in this section, "camping" means temporary habitation outdoors as evidenced by one (1) or more of the following:

(1) Erecting or using tents or other shelters;

(2) Sleeping or making preparation to sleep, including laying down a sleeping bag, blanket, or other material used for bedding;

(3) Placing or storing personal belongings for future use, including storing food for consumption;



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(4) Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment;

(5) Making a fire or preparing to make a fire; or

(6) Doing any digging or earth breaking.

SECTION \_\_\_\_. Tennessee Code Annotated, Section 39-14-414, is amended by deleting subsection (f) and substituting instead the following:

(f) A violation of this section is a Class E felony. In any sentence imposed for a violation of this section, the court shall include a mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION \_\_\_\_. Tennessee Code Annotated, Section 39-14-414, is amended by adding the following new appropriately designated subsection:

( ) It is not a defense to a violation of this section that any act set-out in subdivision (a)(1) is for a purpose other than temporary habitation unless prior approval to conduct the act is given from the agency having jurisdiction over the property.

SECTION \_\_\_\_. Tennessee Code Annotated, Section 39-14-408, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1)

(A) A person violating subdivision (b)(1) or (b)(3) is a principal under § 39-11-401 and shall be punished as for theft under § 39-14-105, after determining value under § 39-11-106.

(B) Notwithstanding subdivision (c)(1)(A), a violation of subdivision (b)(1) by causing damage to or the destruction of any real or personal property of the state, the United States, any county, city, or town shall be punished as for theft under § 39-14-105, but in no event shall such a violation be less than a Class E felony. In any sentence imposed for such a violation, the court shall include a

mandatory minimum sentence of thirty (30) days of incarceration and an order of  
restitution for any property damage or loss incurred as a result of the offense.

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(c)

(1) A violation of subsection (a) is a Class B misdemeanor. All violations shall be punished by at least twenty-five (25) hours of community service work to be determined by the court.

(2) A violation of subsection (b) is a Class E felony. In any sentence imposed for a violation of subsection (b), the court shall include a mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 39-14-414, is amended by deleting subdivisions (b)(1) and (b)(2) and substituting instead the following:

(b) As used in this section, "camping" means temporary habitation outdoors as evidenced by one (1) or more of the following:

(1) Erecting or using tents or other shelters;

(2) Sleeping or making preparation to sleep, including laying down a sleeping bag, blanket, or other material used for bedding;

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(4) Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment;

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(f) A violation of this section is a Class E felony. In any sentence imposed for a violation of this section, the court shall include a mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION \_\_\_\_. Tennessee Code Annotated, Section 39-14-414, is amended by adding the following new appropriately designated subsection:

( ) It is not a defense to a violation of this section that any act set-out in subdivision (a)(1) is for a purpose other than temporary habitation unless prior approval to conduct the act is given from the agency having jurisdiction over the property.

SECTION \_\_\_\_. Tennessee Code Annotated, Section 39-14-408, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1)

(A) A person violating subdivision (b)(1) or (b)(3) is a principal under § 39-11-401 and shall be punished as for theft under § 39-14-105, after determining value under § 39-11-106.

(B) Notwithstanding subdivision (c)(1)(A), a violation of subdivision (b)(1) by causing damage to or the destruction of any real or personal property of the state, the United States, any county, city, or town shall be punished as for theft under § 39-14-105, but in no event shall such a violation be less than a Class E felony. In any sentence imposed for such a violation, the court shall include a

mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.

House Finance, Ways, and Means Subcommittee Am. # 1

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

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**AMEND Senate Bill No. 2731**

**House Bill No. 2515\***

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

WHEREAS, Article VI, Section 5 of the Tennessee Constitution provides for an attorney of each district who is authorized to initiate proceedings in the criminal courts of Tennessee. Article VI, Section 5 also provides that in all cases where such an attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney *pro tempore*; and

WHEREAS, the Tennessee Supreme Court has interpreted Article VI, Section 5 to provide a court the power to appoint an attorney *pro tempore* not only when an attorney for the district fails to attend court or is disqualified, but also when an attorney for the district fails or refuses to prosecute according to the law; and

WHEREAS, the people of the state of Tennessee have a substantial interest in the proper and efficient administration of state government, which includes maintaining the security and integrity of state property, especially in times of crisis; and

WHEREAS, when there are multiple violations of state laws enacted to protect the proper and efficient administration of state government and these laws go unenforced, the Attorney General and Reporter should have a process to request that a court appoint an attorney *pro tempore* because of the state's substantial interest in the proper and efficient administration of state government; now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-7-106, is amended by adding the following language as a new subsection:

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(1) If a district attorney general declines or fails to prosecute an offense involving state property or the administration of state government within a reasonable time, as determined by the attorney general and reporter, the attorney general and reporter may petition the court with jurisdiction over the offense to appoint an attorney to act as district attorney general pro tempore in the offense. The district attorney general pro tempore shall have authority to conduct criminal proceedings in the offense specified by the court, including grand jury proceedings, as the district attorney general is authorized by law to conduct in that district. The attorney general and reporter shall notify the district attorneys general conference of the petition.

(2) Upon the filing of a petition pursuant to subdivision ( ) (1), the court shall conduct an expedited hearing. The district attorneys general conference shall submit a list of recommended attorneys to the court prior to the hearing. If the court appoints a district attorney general pro tempore, the court shall select the district attorney general pro tempore from the list submitted by the district attorneys general conference.

(3) If the court denies the petition for appointment of a district attorney general pro tempore, the attorney general and reporter may, within five (5) days, appeal the court's decision as of right to the Tennessee supreme court.

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

it.

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

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**AMEND Senate Bill No. 2015**

**House Bill No. 1576\***

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 28, Part 5, is amended by adding the following language as a new section:

(a) The board of parole is directed to study the feasibility of creating an application or using a readily available application that would:

(1) Allow a victim to:

(A) Electronically attend and participate in parole and parole revocation hearings;

(B) Electronically submit an audio or video victim impact statement to be considered at an inmate's parole hearing or parole revocation hearing; and

(C) Indicate whether the victim would like the victim impact statement audio or video to be resubmitted to any future parole hearings involving the same inmate and offense without having to be resubmitted by the victim;

(2) Provide information on board policies regarding victim impact statements and attendance at parole and parole revocation hearings as set forth in §§ 40-28-502 - 40-28-504;

(3) Maintain victim confidentiality and protection; and

(4) Comply with board policies established pursuant to title 40, chapter 28, part 5.



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(b) As used in this section, "victim" includes both victims and victim representatives, as those terms are defined in § 40-38-203.

(c) The chair of the board of parole shall provide a written report of the results of the study to the judiciary committee of the senate and the judiciary committee of the house of representatives by June 1, 2021. The report must include specific detail on the feasibility of developing an application to meet the requirements of subsection (a), any proposed legislation that may be necessary, and any additional recommendations.

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

it.

House Finance, Ways, and Means Subcommittee Am. # 1

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**AMEND**

**House Joint Resolution No. 815\***

by deleting from the first resolving clause the language "appropriate elected officials" and substituting instead the language "members of the Tennessee General assembly and federal elected officials."



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**AMEND Senate Bill No. 2016**

**House Bill No. 1816\***

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 the "Good Samaritan Sentencing Enhancement Act of 2020".

SECTION 2. Tennessee Code Annotated, Section 39-13-204(i), is amended by adding the following as a new subdivision:

( ) The victim of the murder was acting as a Good Samaritan at the time of the murder and the defendant knew that the person was acting as a Good Samaritan. For purposes of this subdivision (i)( ), "Good Samaritan" means a person who helps, defends, protects, or renders emergency care to a person in need without compensation;

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



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**AMEND Senate Bill No. 1859**

**House Bill No. 1715\***

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 "April's Law."

SECTION 2. Tennessee Code Annotated, Section 39-17-312(a), is amended by adding the following as a new subdivision:

(4) Engages in sexual contact, as defined in § 39-13-501, with a corpse.

SECTION 3. Tennessee Code Annotated, Section 40-39-202(20)(A), is amended by adding the following as a new subdivision:

( ) Sexual abuse of a corpse, under § 39-17-312(a)(4);

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



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**AMEND Senate Bill No. 1578\***

**House Bill No. 1615**

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 6, is amended by adding the following as a new section:

The department of correction may, if the commissioner of correction deems it appropriate, contribute up to two thousand dollars (\$2,000) in state funds toward the funeral and burial expenses, as defined in § 1-3-105, of any correctional employee killed in the line of duty.

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



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House Finance, Ways, and Means Subcommittee Am. # 1

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**AMEND Senate Bill No. 1631**

**House Bill No. 1570\***

by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 5-5-112, is amended by designating the existing language of subsection (a) as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2) If a challenge to a member's vote on a matter is made after adjournment of the meeting in which the vote was cast, the person challenging the vote shall file the challenge in writing with the county mayor. If the challenge is determined to be valid and the challenged vote would change the outcome of the vote of the legislative body, then the legislative body's vote is null and void. If the matter to which the original vote was taken cannot lie over until the next scheduled meeting, the mayor shall call the legislative body into a special meeting to reconsider the matter within ten (10) business days of the day the vote was taken.



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