

**THE ATTACHED  
AMENDMENT(S)  
ARE TO BILLS  
THAT WILL  
BE HEARD  
IN COMMITTEE  
THE WEEK OF**

**February 3, 2020**

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

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

AMEND Senate Bill No. 1626

House Bill No. 1632\*

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

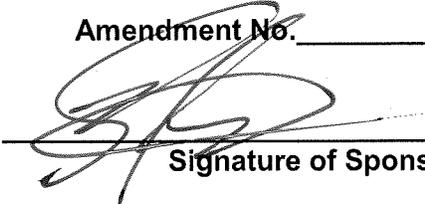
by deleting the word "must" in the second sentence of subdivision (d)(1)(D) in SECTION 3 and substituting the word "may".



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Amendment No. \_\_\_\_\_  
  
\_\_\_\_\_  
Signature of Sponsor

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

**AMEND Senate Bill No. 1831**

**House Bill No. 1544\***

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

WHEREAS, on August 8, 1863, prior to the implementation of President Abraham Lincoln's Emancipation Proclamation in East Tennessee, Andrew Johnson, future seventeenth president of the United States and then military governor of Tennessee, freed his slaves in the area of Greeneville, Tennessee, located in Greene County; and

WHEREAS, the African-American community in the vicinity of Greene County soon began to hold annual celebrations on August 8, known as the "Eighth of August Celebration" and "Emancipation Day," which celebrations are documented at least as early as 1875 in *The Greeneville American*, and over one hundred years ago in *The Greeneville Herald* and *Knoxville Sentinel*; and

WHEREAS, "Emancipation Day" has been observed in several neighboring states, including Kentucky, Virginia, North Carolina, Arkansas, and Missouri, evidencing the great interest and enthusiasm for "Emancipation Day"; and

WHEREAS, the Beck Cultural Exchange Center has hosted an annual Eighth of August Jubilee for the last five years in commemoration of emancipation in Tennessee; and

WHEREAS, the General Assembly recognized August 8 as a day of special observance by passing Chapter 15 of the Public Acts of 2007; and

WHEREAS, Emancipation Day should be a legal holiday instead of a day of special observance; now, therefore,

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

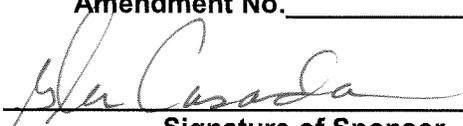
SECTION 1. Tennessee Code Annotated, Section 15-1-101, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:



(b) The Sunday prior to August 8, known as "Emancipation Day", is a legal holiday. If August 8 falls on a Sunday, then the preceding Saturday is substituted as "Emancipation Day".

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

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

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

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

**AMEND**

**House Joint Resolution No. 686\***

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

WHEREAS, a bust of Nathan Bedford Forrest was installed in the State Capitol in 1978;

and

WHEREAS, since the day of its dedication, the Forrest bust has been the subject of debate and protest, and its presence in the State Capitol continues to be a divisive issue among Tennesseans; and

WHEREAS, while supporters extol Nathan Bedford Forrest's innovative military leadership as a general for the Confederacy during the Civil War, opponents emphasize his career as a slave trader, his role in the Fort Pillow massacre, and his leadership in the Ku Klux Klan; and

WHEREAS, there are literally thousands of Tennesseans deserving of being honored in the State Capitol; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that it is the sense of this body that a schedule should be established to rotate historically significant busts to and from the statuary niches located on the second floor of the state capitol in order to honor the many great Tennesseans who have served our state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Governor Bill Lee and each member of the Capitol Commission.



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

*Bill Lee*  
\_\_\_\_\_  
Signature of Sponsor

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

**AMEND**

**House Joint Resolution No. 686\***

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

WHEREAS, it is appropriate to erect busts, statues, and monuments to recognize historically significant individuals; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the busts of Nathan Bedford Forrest, Admiral David Farragut, Admiral Albert Gleaves, and Commander Matthew Maury that are located in the Tennessee State Capitol be relocated to more suitable locations that are fitting for military history.

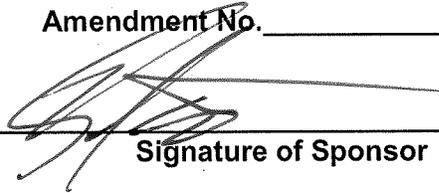
BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Governor Bill Lee and each member of the State Capitol Commission.



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Amendment No. \_\_\_\_\_  
  
\_\_\_\_\_  
Signature of Sponsor

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

**AMEND**

**House Joint Resolution No. 686\***

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

WHEREAS, a bust of Nathan Bedford Forrest was installed in the State Capitol in 1978;  
and

WHEREAS, since the day of its dedication, the Forrest bust has been the subject of  
debate and protest, and its presence in the State Capitol continues to be a divisive issue among  
Tennesseans; and

WHEREAS, while supporters extol Nathan Bedford Forrest's innovative military  
leadership as a general for the Confederacy during the Civil War, opponents emphasize his  
career as a slave trader, his role in the Fort Pillow massacre, and his leadership in the Ku Klux  
Klan; and

WHEREAS, there are literally thousands of Tennesseans more deserving of being  
honored in the State Capitol, for instance the late Anne M. Davis of Knoxville and Gatlinburg  
and the late William F. Yardley of Knoxville; and

WHEREAS, Anne M. Davis was instrumental in the founding of Great Smoky Mountains  
National Park; as only the third woman elected to the Tennessee House of Representatives,  
she successfully sponsored legislation for the purchase of more than 78,000 acres of mountain  
land for the park; and

WHEREAS, she was also active in the League of Women Voters and led the movement  
to establish a library in Gatlinburg; and

WHEREAS, William F. Yardley, an influential and powerful advocate for the legal rights  
of blacks, was the first African American to run for governor of Tennessee; although he lost as  
an independent candidate in the 1876 gubernatorial election, thereafter Knoxvilleans referred to



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him as either "Squire Yardley" or "Governor Yardley" because of his eloquence on the stump;  
and

WHEREAS, the first African-American lawyer in Knoxville, William F. Yardley was also possibly the first African-American attorney to take a case to the Tennessee Supreme Court; in 1885, he argued against requiring jail inmates to "work off" the costs of state prosecution, a practice that made poor inmates near-slaves; and

WHEREAS, in addition to serving as a Knoxville city alderman and on the Knox County Court, he was also assistant chief of Knoxville's first fire department and the publisher and editor of Knoxville's first black newspaper, the *Knoxville Examiner*; and

WHEREAS, these Tennesseans are richly deserving of being honored in the State Capitol, as they inspired many present-day Tennesseans to participate in civic affairs and will continue to serve as a beacon of dedicated public service for future generations; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we urge that the bust of Nathan Bedford Forrest be removed from the State Capitol to be relocated and displayed in a more appropriate location, and that a replacement bust of a deserving Tennessean be placed in the State Capitol.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Governor Bill Lee and each member of the Capitol Commission.

2/3/20

9:37am

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



Signature of Sponsor

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

**AMEND Senate Bill No. 1743**

**House Bill No. 1556\***

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

SECTION 1. Tennessee Code Annotated, Section 71-5-107(a), is amended by adding the following new subdivision:

( )

(A) Services within the practice of acupuncture performed by a person who is authorized by title 63, chapter 6, part 10, to engage in the practice of acupuncture, limited to ten (10) visits per recipient per calendar year;

(B) Services within the practice of chiropractic performed by a person who is authorized by title 63, chapter 4, to engage in the practice of chiropractic, limited to ten (10) visits per recipient per calendar year;

(C) Services within occupational therapy practice performed by a person who is authorized by title 63, chapter 13, to engage in occupational therapy practice, limited to ten (10) visits per recipient per calendar year; and

(D) Services within the practice of physical therapy performed by a person who is authorized by title 63, chapter 13, to engage in the practice of physical therapy, limited to ten (10) visits per recipient per calendar year.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.



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# HOUSE RESEARCH DIVISION

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## Finance, Ways & Means Committee Amendment Packet

February 4th, 2020



MP 1/31/2020 9:50 AM

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

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

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

**AMEND Senate Bill No. 561\***

**House Bill No. 1156**

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

SECTION 1. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the language "The state is divided into thirty-one (31) judicial districts composed as follows:" and substituting instead the following:

The state is divided into thirty-two (32) judicial districts composed as follows:

SECTION 2. Tennessee Code Annotated, Section 16-2-506, is amended by deleting subdivision (21) and substituting instead the following:

(21)

(A)

(i) Until September 1, 2022, the twenty-first judicial district consists of the counties of Hickman, Lewis, Perry, and Williamson. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-first judicial district in their respective capacities. In 1986, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512. Effective January 1, 1998, there is created an additional circuit court in the twenty-first judicial district. At the August 1998 general election, the qualified voters of the twenty-first district shall elect a person in accordance with § 16-2-505, to



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serve as judge of the circuit court created by this section for an eight-year term;

(ii) Effective September 1, 2018, there is created an additional trial court in the twenty-first judicial district. The type of court, type of judge to preside over the court, and part of court shall be designated as provided in § 16-2-512. The governor shall appoint a person to serve as an additional judge or chancellor, and the person so appointed shall serve in that capacity until September 1, 2020, or until the person's successor is elected and qualified. At the August 2020 general election, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor to serve until September 1, 2022, at which time the additional trial court shall be transferred to the newly created thirty-second judicial district and presided over by a trial court judge elected by voters of the thirty-second judicial district at the August 2022 general election;

(iii) It is the intent of the general assembly by adding an additional trial court in the twenty-first judicial district that the interests of public access to the courts and economy of judicial travel are best served by the presiding judge designating the new trial court created by subdivision (21)(A)(ii) to serve Hickman, Lewis, and Perry counties prior to being transferred to the thirty-second judicial district. Unless otherwise designated by the presiding judge to effectuate the duties enumerated in § 16-2-509(b), the remaining judges shall serve Williamson County;

(B)

(i) Effective September 1, 2022, the twenty-first judicial district consists of the county of Williamson. Except as provided in subdivision (21)(A)(iii), the incumbent trial court judges and the district attorney general currently residing in the county shall continue to serve the twenty-

first judicial district in their respective capacities until September 1, 2022. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of Williamson County shall elect four (4) trial court judges to fill the positions created by subdivision (21)(A)(i) for a full eight-year term;

(ii) Effective September 1, 2022, the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district;

(C) The district attorney general of the twenty-first judicial district is entitled to seven (7) assistant district attorney general positions, one (1) criminal investigator position, and one (1) additional assistant district attorney general position; provided, that the funding for such additional assistant district attorney general position is provided exclusively by the municipal and county governments that comprise the twenty-first judicial district;

SECTION 3. Tennessee Code Annotated, Section 16-2-506, is amended by adding the following as a new subdivision:

(32)

(A) Effective September 1, 2022, the thirty-second judicial district consists of the counties of Hickman, Lewis, and Perry. The incumbent trial court judge elected pursuant to subdivision (21)(A)(ii) shall continue to serve the twenty-first judicial district until September 1, 2022, at which time the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district and presided over by a trial court judge to be elected by voters of the thirty-second judicial district at the August 2022 general election. Every eight (8) years thereafter, the qualified voters of the thirty-second judicial district shall elect a judge or chancellor for a full eight-year term;

(B)

(i) Effective September 1, 2022, there is created the position of district attorney general for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district attorney general for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district attorneys general;

(ii) The district attorney general of the thirty-second judicial district is entitled to three (3) assistant district attorney general positions, one (1) administrative assistant position, two (2) secretary positions, one (1) criminal investigator position, and two (2) victim-witness coordinator positions;

(iii) On September 1, 2022, the office space and all state-owned furniture, equipment, supplies, books, and other such office property located in the Centerville or Hohenwald offices of the district attorney general of the twenty-first district and currently being used by the district attorney general of the twenty-first judicial district, or by one (1) of the district attorney general's assistants or investigators, shall be transferred for the use of the district attorney of the thirty-second judicial district. On and after such date, all such office space and other office property located in the Centerville and Hohenwald offices shall become the space for and property of the office of district attorney general for the thirty-second judicial district. Nothing in this subdivision (32)(B)(iii) prohibits the district attorney general from also establishing another office in the thirty-second judicial district;

(iv) By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district attorney general for the thirty-second judicial district;

SECTION 4. Tennessee Code Annotated, Section 8-14-102(b)(1), is amended by adding the following new subdivision (C):

(i) Effective September 1, 2022, there is created the position of district public defender for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district public defender for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district public defenders.

(ii) The district public defender of the thirty-second judicial district is entitled to three (3) assistant public defender positions, one (1) district investigator position, one (1) administrative assistant position, and two (2) secretary positions.

(iii) On September 1, 2022, the district public defender is entitled to purchase such office space and other office property necessary to establish the office of the district public defender for the thirty-second judicial district. Nothing contained herein shall be construed as prohibiting such district public defender from also establishing an additional office in the thirty-second judicial district. By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district public defender for the thirty-second judicial district.

SECTION 5. This act shall not be construed to limit, terminate, or otherwise affect the term or future terms of office of any circuit court clerk, criminal court clerk, or clerk and master, subject to the residence requirement found in § 18-1-102. All such incumbents shall continue in office until the expiration of their respective terms of office and shall be eligible for reelection or reappointment. Nothing in this act shall be construed to require, permit, or authorize the consolidation of the offices of clerk and master, circuit court clerk, or criminal court clerk or to place any clerk in a position of dominance over any other clerk.

SECTION 6.

(a) All process issued after September 1, 2022, shall be returnable at the times and places fixed by local court rules promulgated in accordance with this act. All bonds and undertakings executed after September 1, 2022, shall be governed by local court rules, insofar as to appearance dates and other conditions relating to time and place.

(b) All cases, both civil and criminal except those that have previously been heard and taken under advisement, pending in any court in the twenty-first judicial district prior to September 1, 2022, shall as of that date be heard and determined in the appropriate court by the appropriate judge.

(c) Notwithstanding Tennessee Code Annotated, Title 16, Chapter 2, to the contrary, nothing in this act shall be construed to repeal, amend, or affect in any manner any jurisdiction granted to any local court by any public or private law.

SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.

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

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

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

**AMEND Senate Bill No. 1817**

**House Bill No. 1850\***

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

SECTION 1. Tennessee Code Annotated, Section 55-8-108, is amended by deleting subsection (e) and substituting instead the following:

(1) Notwithstanding the requirement of this section that drivers of authorized emergency vehicles exercise due regard for the safety of all persons, neither the state or any city or county within the state, nor their officers or employees, shall be liable for any injury proximately or indirectly caused to an actual or suspected violator of a law who is fleeing pursuit by law enforcement personnel.

(2) The fact that law enforcement personnel pursue an actual or suspected violator of a law who flees from pursuit shall not render the law enforcement personnel, or the employers of the law enforcement personnel, liable to a third party for injuries alleged to be caused by the fleeing party unless the conduct of the law enforcement personnel in initiating or continuing pursuit of the fleeing party was in negligent disregard of existing law enforcement policies and procedures established by the employer of the law enforcement personnel, and that negligent disregard was a proximate cause of the injuries to the third party.

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



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

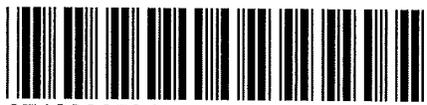
  
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Signature of Sponsor

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

**AMEND Senate Bill No. 88**

**House Bill No. 134\***

by deleting the language "July 1, 2019" in the effective date section and substituting instead "July 1, 2020".



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

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

*John D Ragan*  
\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 1593**

**House Bill No. 1589\***

by deleting § 49-6-2309(a) in the amendatory language of Section 2 and substituting instead the following:

(a) A school shall provide a United States department of agriculture reimbursable meal to each student who requests one and qualifies for free or reduced-price meals under the eligibility rules promulgated by the state board of education pursuant to § 49-6-2303(2) and (3), unless the student's parent or guardian directs the school, in writing, to withhold the meal.

**AND FURTHER AMEND** by adding the following as a new subsection (e) in § 49-6-2309 in the amendatory language of Section 2:

(e) This section does not prohibit or inhibit a school from referring a student's parent or guardian to the department of children's services for investigation of suspected child abuse or neglect.

**AND FURTHER AMEND** by deleting the language "or stigmatize" in § 49-6-2310(a)(1) in the amendatory language of Section 2.

**AND FURTHER AMEND** by deleting from § 49-6-2310(a)(3) in the amendatory language of Section 2 the language "Prohibit a student who cannot pay for a meal, or who has accumulated a meal debt," and substituting instead "Prohibit a minor student who cannot pay for a meal, or who has accumulated a meal debt, except as provided in subsection (b),".

**AND FURTHER AMEND** by deleting § 49-6-2310(b) in the amendatory language of Section 2 and substituting instead the following:

(b) A school may ask a student who does not qualify for free or reduced-price meals under the eligibility rules promulgated by the state board of education pursuant to



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§ 49-6-2303(2), and who is lawfully employed and, through such employment, receives an income in an amount that exceeds the amount of the accumulated meal debt, to pay the meal debt if the student's parent or guardian fails to pay the meal debt, before the student may participate in a school-related event or activity, graduate or participate in a graduation ceremony, or receive a diploma.

(c) A school shall direct communications about a student's meal debt to the student's parent or guardian and not to the student, except as provided in subsection (b). This subsection (c) does not prohibit a school from sending a student home with a letter addressed to the student's parent or guardian regarding a meal debt that is owed to the school.

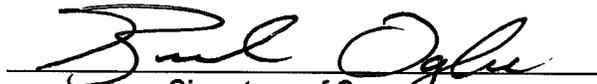
(d) A school shall inform a student's parent or guardian, and not the student, that the parent or guardian may be referred to the department of children's services for investigation of suspected child abuse or neglect if the school reasonably believes that the accumulation of a meal debt, or the parent's or guardian's decision to withhold a United States department of agriculture reimbursable meal from a student who otherwise qualifies for one under the eligibility rules promulgated by the state board of education pursuant to § 49-6-2303(2) and (3), may be due to child abuse or neglect.

**AND FURTHER AMEND** by deleting § 49-6-2311 in the amendatory language of Section 2 and substituting instead the following:

**49-6-2311.**

A school shall not require a student's parent or guardian to pay fees or costs from collection agencies hired to collect a meal debt if the meal debt was accumulated for meals provided to a student who qualified for free or reduced-price meals under the eligibility rules promulgated by the state board of education pursuant to § 49-6-2303(2) at the time the meal debt was accumulated.

Amendment No. 1

  
Signature of Sponsor

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

**AMEND Senate Bill No. 2016**

**House Bill No. 1816\***

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following new, appropriately numbered section:

(a) This section shall be known and may be cited as the "Good Samaritan Sentencing Enhancement Act of 2020".

(b) A defendant who commits an offense against a person while that person is acting as a Good Samaritan by rendering emergency care or assistance to the victim of a crime may be sentenced within the range that is one (1) range higher than the defendant would otherwise have been sentenced if:

(1) The person acting as a Good Samaritan was acting in good faith and without compensation; and

(2) The defendant knew or reasonably should have known that the person was rendering emergency care and assistance to a crime victim.

(c) If the defendant is convicted of murder in the first degree for the murder of the person acting as a Good Samaritan, the defendant shall be sentenced to life without possibility of parole or death.

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



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



Signature of Sponsor

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

**AMEND Senate Bill No. 686\***

**House Bill No. 883**

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 32, is amended by adding the following as a new part:

**40-32-201.** As used in this part, unless the context otherwise requires:

(1) "Arrest and criminal records information" means information reporting the arrest, indictment, or other formal filing of criminal charges against a person; the identity of the law enforcement agency taking such action relative to an accused person; the date and place that such action was taken relative to an accused person; the name, birth date, last-known address, and sex of an accused person; the nature of the charges brought or the offenses alleged against an accused person; and one (1) or more dispositions relating to the charges brought against an accused person;

(2) "Basic identification information" means the name, place, and date of birth, last-known address, social security number, occupation, address of employment, physical description, photograph, handwritten signature, sex, fingerprints, and any known aliases of any person;

(3) "Conviction records" means arrest and criminal records information and any records pertaining to a judgment of conviction;

(4) "Criminal justice agencies" means any court with criminal jurisdiction and any agency of the state that performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, post-conviction release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused



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persons or criminal offenders, or criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information;

(5) "Custodian" means the official custodian or any authorized person having personal custody and control of the criminal justice records in question;

(6) "Official actions" means an arrest; indictment; charging by information; disposition; pretrial or post-conviction release from custody; judicial determination of mental or physical condition; decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify, or relocate any person under criminal sentence;

(7) "Person in interest" means the person who is the primary subject of a criminal justice record or any representative designated by said person by power of attorney or notarized authorization; except that, if the subject of the record is under legal disability, "person in interest" means and includes his parents or duly appointed legal representative;

(8) "Private custodian" means a private entity that has custody of the criminal justice records in question and is in the business of providing the information to others; and

(9) "Victim" means any natural person against whom any crime has been perpetrated or attempted, unless the person is accountable for the crime or a crime arising from the same conduct or plan, or, if such person is deceased or incapacitated, the person's spouse, parent, legal guardian, child, sibling, grandparent, grandchild, significant other, or other lawful representative.

**40-32-202.**

(a) This section applies to the sealing of arrest and criminal records pursuant to this part.

(b)

(1)

(A) An order sealing arrest or other criminal records does not deny access to the criminal records of a petitioner or defendant by any court, law enforcement agency, criminal justice agency, prosecuting attorney, or party or agency required by law to conduct a criminal history record check on an individual.

(B) An order sealing conviction records does not vacate a conviction.

(C) A conviction sealed pursuant to this part may be used by a criminal justice agency, law enforcement agency, court, or prosecuting attorney for any lawful purpose relating to the investigation or prosecution of any case, including but not limited to, any subsequent case that is filed against the petitioner or defendant, or for any other lawful purpose within the scope of the duties of the agency, court, or person. A party or agency required by law to conduct a criminal history record check is authorized to use any sealed conviction for the lawful purpose for which the criminal history record check is required by law.

(D) Criminal justice information and criminal justice records in the possession of a criminal justice agency may be shared with any other criminal justice agency when an inquiry concerning the arrest and criminal justice information or records is made.

(E) If a defendant is convicted of a new criminal offense after an order sealing conviction records is entered, the court shall order the prior conviction records to be unsealed.

(2) Except as otherwise provided in subdivision (b)(1), upon the entry of an order to seal the criminal records, the defendant and all criminal justice agencies may properly reply, upon an inquiry into the matter, that public criminal records do not exist with respect to the defendant.

(3) Except as otherwise provided in subdivision (b)(1), inspection of the records included in an order sealing criminal records may thereafter be permitted by the court only upon petition by defendant.

(4)

(A) Except as otherwise provided in subdivision (b)(1)(A), employers, state and local government agencies, officials, landlords, and employees shall not require an applicant to disclose any information contained in sealed conviction records in any application or interview or in any other way. An applicant does not need to include a reference to or information concerning the sealed conviction records in answer to any question concerning conviction records that have been sealed and may state that the applicant has not been criminally convicted. An application may not be denied solely because of the applicant's refusal to disclose conviction records that have been sealed.

(B) Subdivision (b)(4)(A) does not preclude the board of professional responsibility, established by Supreme Court Rule 9, from making further inquiries into the fact of a conviction that comes to the attention of the board through other means. The board of professional responsibility has a right to inquire into the moral and ethical qualifications of an applicant or attorney, and the applicant or attorney has no right to privacy or privilege that justifies the refusal to answer any question concerning arrest and criminal records information that has come to the attention of the board through other means.

(C) Notwithstanding subdivision (b)(4)(A), the department of education shall require a licensed educator or an applicant for an educator's license who files a petition to seal a criminal record to notify the department of education of the pending petition to seal. The

department of education may inquire into the facts of the criminal offense for which the petition to seal is pending. The educator or applicant has no right to privacy or privilege that justifies the refusal to answer any questions of the department of education concerning the arrest and criminal records information contained in the pending petition to seal.

(c) A person may only file a petition with the court for sealing a case once every twelve-month period, unless otherwise provided by the court.

(d) The provisions of this part regarding sealing of records does not authorize the physical destruction of any conviction records.

(e)

(1) Inspection of the court records included in an order sealing criminal records may be permitted by the court only upon petition by the defendant who is the subject of the records or the prosecuting attorney and only for those purposes named in the petition.

(2) Notwithstanding subdivisions (b)(2) and (3), the prosecuting attorney or the law enforcement agency may release to the victim in the sealed case copies of police reports or any protection orders issued in the sealed case if the victim demonstrates to the prosecuting attorney or law enforcement agency a lawful purpose for the reports or court orders. The prosecuting attorney, including staff of the prosecuting attorney's office or a victim-witness assistance coordinator, or the staff of a law enforcement agency or law enforcement victim assistance program, may discuss the sealed case, the results of the sealing proceedings, and information related to any victim services available to the victim.

(3) Notwithstanding this section, any member of the public may petition the court to unseal any court file of a criminal conviction that has previously been

sealed upon a showing that the public interest in disclosure now outweighs the defendant's interest in privacy.

(f) Court orders sealing records of official actions pursuant to this part do not limit the operations of the Tennessee rules of criminal procedure or the Tennessee rules of evidence or the rules of any other state or federal court.

(g) The court shall direct a sealing order entered pursuant to this part to each custodian who may have custody of any part of the conviction records that are the subject of the order. Whenever a court enters an order sealing conviction records, the defendant shall provide the Tennessee bureau of investigation (TBI) and each custodian of the conviction records with a copy of the order. The defendant shall provide a private custodian with a copy of the order and send the private custodian an electronic notification of the order. Each private custodian that receives a copy of the order from the petitioner shall remove the records that are subject to an order from any database maintained by the private custodian.

(h)

(1) Whenever a defendant is sentenced following a conviction for an offense that may be sealed under this part, the court shall provide the defendant with a written advisement of the defendant's rights concerning the sealing of conviction records if the defendant complies with this part.

(2) In addition to the requirement described in subdivision (h)(1):

(A) If a defendant is sentenced to probation following a conviction for an offense that may be sealed under this part, the defendant's probation officer, upon completion of the defendant's probation, shall provide the defendant with a written advisement of the defendant's rights concerning the sealing of conviction records; or

(B) If a defendant is released on parole following a conviction for an offense that may be sealed under this part, the defendant's parole

officer, upon completion of the defendant's parole, shall provide the defendant with a written advisement of the defendant's rights concerning the sealing of conviction records pursuant to this part.

(i) If the person in interest has successfully completed a veterans treatment court program established pursuant to title 16, chapter 6, in the case that is the subject of the petition to seal, the court shall consider such factor favorably in determining whether to issue an order to seal records.

(j) A defendant shall not be required to waive the right to file a petition to seal as a condition of a plea agreement in any case.

(k)

(1)

(A) Notwithstanding this part to the contrary, in regard to any conviction resulting from a single case in which the defendant is convicted of more than one (1) offense, records of the conviction may be sealed pursuant to this part only if the records of every conviction of the defendant resulting from that case may be sealed pursuant to this part.

(B) If a criminal case is dismissed or if a criminal offense is not charged due to a plea agreement in a separate case, the records of that case shall be eligible for sealing at such time as the criminal case in which the conviction was entered is eligible for sealing pursuant to this part.

(2) Conviction records must not be sealed until the defendant has satisfied any restitution, fines, court costs, or other fees ordered by the court in the case that is the subject of the petition to seal, unless the court that entered the order for restitution, fines, court costs, or other fees has vacated the order.

**40-32-203.**

(a)

(1) Subject to the limitations described in subsection (b), a defendant may file a petition to seal conviction records in the court in which the conviction occurred. The petition must request that the court seal any conviction records pertaining to the defendant, except basic identification information, if the petition is filed within the time frame described in subdivision (a)(2) and proper notice is given to the district attorney.

(2)

(A) If the offense is a misdemeanor, the petition may be filed two (2) years after the completion of the defendant's sentence.

(B) If the offense is a Class C, Class D, or Class E felony, the petition may be filed three (3) years after the completion of the defendant's sentence.

(C) Subject to the limitations in subsection (b), for all other offenses, the petition may be filed five (5) years after the completion of the defendant's sentence.

(3) A petition to seal conviction records must include a listing of each custodian of the records to whom the sealing order is directed and any information that accurately and completely identifies the records to be sealed. The defendant shall submit a verified copy of the defendant's criminal history, current through at least the twentieth day before the date of the filing of the petition, along with the petition at the time of filing.

(4) Upon the filing of a petition, the court shall initially review the motion and determine whether the petition warrants a hearing. If the court determines that the petition does not meet the requirements of this section or the defendant is not entitled to relief pursuant to this section, the court shall enter an order denying the petition and mail a copy of the order to the defendant. The court's order shall specify the reasons for the denial of the petition. If the court

determines that no grounds exist at that time for the court to deny the motion pursuant to this section, the court shall proceed pursuant to this section.

(5) Conviction records must not be sealed if the defendant has unpaid restitution, fines, court costs, or other fees ordered by the court in the case that is the subject of the petition to seal conviction records, unless the court that entered the order for restitution, fines, court costs, or other fees vacated the order.

(6)

(A) If a petition is filed for the sealing of a misdemeanor, the defendant shall provide notice of the petition to the district attorney general that prosecuted the offense. The district attorney general shall determine whether to object to the petition after considering the factors in subdivision (a)(7). The district attorney general shall advise the court of a victim's objection and request for hearing when known. If the district attorney general does not object to the petition and no victim of the offense requests a hearing, the court shall order that the records be sealed if the criminal history filed with the court demonstrates that the defendant has not been convicted of a criminal offense since the conviction that is the subject of the petition. If the district attorney general objects to the petition or a victim of the offense requests a hearing, then the court shall set the matter for hearing. The court may only seal the records if the criminal history filed with the petition demonstrates that the defendant has not been convicted of a criminal offense since the conviction that is the subject of the petition. The court shall determine whether to grant the petition after considering the factors in subdivision (a)(7).

(B) If a petition is filed for the sealing of a Class C, Class D, or Class E felony, the defendant shall provide notice of the petition to the

district attorney general. The district attorney general shall determine whether to object to the motion after considering the factors in subdivision (a)(7). The district attorney general shall advise the court of a victim's objection and request for hearing when known. If the district attorney general does not object and no victim of the offense requests a hearing, the court may grant the petition with or without the benefit of a hearing. If the district attorney objects to the petition or a victim of the offense requests a hearing, the court shall set the matter for hearing. The court may only seal the records if the criminal history filed with the petition demonstrates that the defendant has not been convicted of a criminal offense since the conviction that is the subject of the petition. The court shall decide whether to grant the petition after considering the position of the district attorney general, the victim, if applicable, and the factors in subdivision (a)(7).

(C) If a motion is filed for any other offense, the defendant shall provide notice of the petition to the district attorney general. The district attorney general shall determine whether to object to the petition after considering the factors in subdivision (a)(7). The district attorney general shall advise the court of a victim's objection and request for hearing when known. The court shall set any petition filed for a hearing. The court may only seal the records if the criminal history filed with the petition demonstrates to the court that the defendant has not been convicted of a criminal offense since the conviction that is the subject of the petition. The court shall decide the motion after consideration of the position of the district attorney general, the victim, if applicable, and the factors in subdivision (a)(7).

(7) At any hearing to determine whether records may be sealed, except for basic identification information, the court must determine that the harm to the privacy of the defendant or the dangers of unwarranted, adverse consequences to the defendant outweigh the public interest in retaining public access to the conviction records. In making this determination, the court shall, at a minimum, consider the severity of the offense that is the basis of the conviction records, the criminal history of the defendant, the number of convictions and dates of the convictions for which the defendant is seeking to have the records sealed, and the need for the entity in possession to retain the records.

(8) A defendant who files a petition to seal criminal justice conviction records pursuant to this section shall pay a processing fee of sixty-five dollars (\$65.00) that shall be used to pay the actual costs related to the sealing of the criminal justice records. The court may waive the processing fee upon a determination of indigency.

(b)

(1) This section does not apply to records pertaining to:

(A) A misdemeanor traffic offense;

(B) A conviction for driving under the influence, under § 55-10-401, or any offense that may be used as a prior conviction for driving under the influence, under § 55-10-405;

(C) A sexual offense, as defined by § 40-39-202;

(D) A conviction for child abuse or child neglect or endangerment, under § 39-15-401, or aggravated child abuse or aggravated child neglect or endangerment, under § 39-15-402;

(E) A conviction for any offense defined in title 39, chapter 13, in which the alleged victim of the offense is a domestic abuse victim, as defined in § 36-3-601; or

(F) A conviction for a crime of violence, as defined by § 39-17-1301.

(2) Notwithstanding this section, a misdemeanor offense ineligible pursuant to subdivision (b)(1) is eligible for sealing if the district attorney general consents to the sealing or if the court finds, by clear and convincing evidence, that the petitioner's need for sealing of the record is significant and substantial, the passage of time is such that the petitioner is no longer a threat to public safety, and the public disclosure of the record is no longer necessary to protect or inform the public.

(c) Petitions filed pursuant to this section are procedural in nature, and sealing pursuant to this section applies retroactively to all eligible cases.

SECTION 2. Tennessee Code Annotated, Section 40-38-110(a), is amended by adding the following new subdivision:

( ) Defendant's filing of a petition for sealing of criminal records, pursuant to chapter 32, part 2 of this title;

SECTION 3. Tennessee Code Annotated, Section 40-38-112, is amended by adding the following new subsection:

(c) Upon receiving notice of a defendant's petition to seal criminal records, pursuant to chapter 32, part 2 of this title, the prosecuting attorney shall inform the victim of any offense that is the subject to the petition of the proceeding and the manner in which the victim may request a hearing or object to the petition.

SECTION 4. This act shall take effect January 1, 2021, the public welfare requiring it.

Amendment No. 1

*Paul Ogles*  
Signature of Sponsor

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

**AMEND Senate Bill No. 1820**

**House Bill No. 1575\***

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 "2020 Defense Doctrine."

SECTION 2. Tennessee Code Annotated, Section 39-11-106(a), is amended by adding the following as a new subdivision:

( ) "Grave sexual abuse" means:

- (A) Aggravated rape, pursuant to § 39-13-502;
- (B) Rape, pursuant to § 39-13-503;
- (C) Rape of a child, pursuant to § 39-13-522; or
- (D) Aggravated rape of a child, pursuant to § 39-13-531;

SECTION 3. Tennessee Code Annotated, Section 39-11-504(a), is amended by deleting the language "well-grounded apprehension of death or serious bodily injury" and substituting instead "well-grounded apprehension of death, serious bodily injury, or grave sexual abuse".

SECTION 4. Tennessee Code Annotated, Section 39-11-611(b)(2)(A), is amended by deleting the language "imminent danger of death or serious bodily injury" and substituting instead "imminent danger of death, serious bodily injury, or grave sexual abuse".

SECTION 5. Tennessee Code Annotated, Section 39-11-611(b)(2)(B), is amended by deleting the language "imminent death or serious bodily injury" and substituting instead "imminent death, serious bodily injury, or grave sexual abuse".



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SECTION 6. Tennessee Code Annotated, Section 39-11-611(f)(2), is amended by deleting the language "imminent danger of death or serious bodily injury" and substituting instead "imminent danger of death, serious bodily injury, or grave sexual abuse".

SECTION 7. Tennessee Code Annotated, Section 39-11-611, is amended by deleting the language "death or serious bodily harm" from subdivisions (f)(3) and (f)(5)(B) and substituting instead "death, serious bodily injury, or grave sexual abuse".

SECTION 8. Tennessee Code Annotated, Section 39-11-620(b), is amended by deleting the language "serious bodily injury" wherever it appears and substituting instead "serious bodily injury or grave sexual abuse".

SECTION 9.

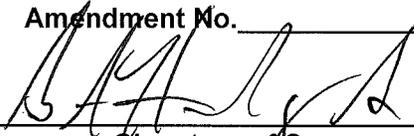
By January 1, 2021:

(1) The police officer standards and training commission shall update all law enforcement training materials to reflect this act; and

(2) Any instructor approved by the department of safety to provide a handgun safety course that satisfies the training requirement to obtain a handgun carry permit shall update all training materials to reflect this act.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

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

Amendment No. \_\_\_\_\_  
  
 \_\_\_\_\_  
 Signature of Sponsor

**AMEND Senate Bill No. 1321**

**House Bill No. 1475\***

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

SECTION 1. Tennessee Code Annotated, Section 39-16-504, is amended by adding the following new subsection:

(d) As used in this section, "governmental record" includes video recorded by a law enforcement body camera.

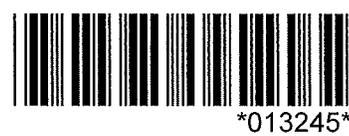
SECTION 2. Tennessee Code Annotated, Section 39-16-503, is amended by adding the following new subsection:

(c) As used in this section, "record, document, or thing" includes video recorded by a law enforcement body camera.

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

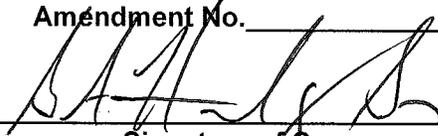


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Date	_____
Time	_____
Clerk	_____
Comm. Amdt.	_____

Amendment No. \_\_\_\_\_  
  
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 Signature of Sponsor

**AMEND Senate Bill No. 1321**

**House Bill No. 1475\***

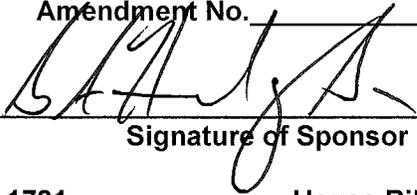
by deleting the last section and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 39-16-504, is amended by adding the following new subsection:

(d) As used in this section, "governmental record" includes video recorded by a law enforcement body camera.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.



Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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

**AMEND Senate Bill No. 1781**

**House Bill No. 1814\***

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

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

( ) The offense was planned or executed by using a telecommunication device within a penal institution;

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



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Amendment No. \_\_\_\_\_  
*[Handwritten Signature]*  
Signature of Sponsor

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

**AMEND Senate Bill No. 1315**

**House Bill No. 1478\***

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

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b)(2), is amended by deleting the subdivision and substituting instead the following:

(2) Reckless endangerment committed with a deadly weapon, which includes the use of a motor vehicle operated with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, is a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 39-13-103(b), is amended by redesignating the existing subdivision (4) as subdivision (5), and adding the following as a new subdivision (4):

(4)

(A) Reckless endangerment under the circumstances set out in subdivision (b)(4)(B) is a Class C felony, which includes, in addition to any period of confinement, the following:

(i) A mandatory fine of not less than five thousand dollars (\$5,000) nor more than is ten thousand dollars (\$10,000); and

(ii) Except as provided in subdivision (b)(4)(D):

(a) Revocation of the person's driver license for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the person had a valid driver license on the date of conviction for the offense; or



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(b) A prohibition against the department issuing a driver license to the person for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the person did not possess a valid driver license at the time of conviction for the offense.

(B) Subdivision (b)(4)(A) applies to reckless endangerment committed by discharging a firearm:

- (i) Into a group of two (2) or more people;
- (ii) From within a motor vehicle, as defined by § 55-1-103; or
- (iii) Into a motor vehicle.

(C)

(i) Upon ordering the license revocation or prohibition of the person pursuant to subdivision (b)(4)(A)(ii), the court shall submit a copy of the conviction and an order for revocation or prohibition, whichever is applicable, of the person's driver license to the department of safety.

(ii) Upon receipt of a conviction and an order for revocation of the person's driver license, the department shall revoke the person's driver license if the person had a valid driver license on the date of conviction. Except as provided in subdivision (b)(4)(D), the driver license shall not be reinstated or, if the person did not have a valid driver license on the date of conviction, shall not be issued until the five-year period following release from confinement has expired. The person whose license was revoked or prohibited pursuant to subdivision (b)(4)(A)(ii) may apply to the department for reinstatement or issuance of the person's driver license after the five-year period following release from confinement has expired. The person whose license was revoked or prohibited has the burden of submitting documents to the department showing, to

the satisfaction of the department, the date the person was released from confinement.

(D) A person whose driver license is revoked or issuance prohibited pursuant to subdivision (b)(4)(A)(ii) may, upon the person's release from confinement, apply to the court, or any court of competent jurisdiction in the person's county of residence, for a restricted driver license. Upon demonstration of a compelling need by the person, the court may allow the issuance of a restricted driver license for the purpose of going to and from work at the person's regular place of employment; going to and from the person's regular place of worship; going to and from medical appointments for the person and immediate family members; going to and from a dependent's day care or school; and, in the case of a student enrolled full-time in an institution of higher education, going to and from that institution. If the court orders the issuance of a restricted driver license, the person may obtain a certified copy of the order and, within ten (10) days after issuance of the order, present the order to the department with an application fee of sixty-five dollars (\$65.00), and the department shall issue a restricted driver license embodying the limitations imposed in the order.

SECTION 3. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision (6):

(6) In addition to the penalty authorized by this subsection (b), if the court finds that the act resulting in the conviction was committed with a deadly weapon, the court shall require the person to complete an anger management program.

SECTION 4. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following language as a new subsection (c):

(1) At the sentencing hearing of a person convicted of violating subdivision (b)(2), the state may offer evidence showing that the violation of subdivision (b)(2) was an act of community terrorism as defined in subdivision (c)(3). If the court finds that the act resulting in the conviction constituted an act of community terrorism and that the

person convicted threatened use of a firearm but did not actually display or use a firearm during the commission of the offense, then the court shall punish the person one (1) classification higher than the classification established for the offense for which the person was convicted.

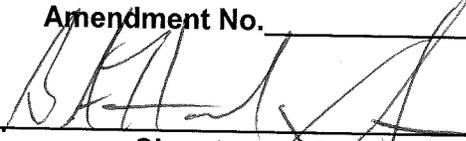
(2) At the sentencing hearing of a person convicted of violating subdivision (b)(3) or (b)(4)(B), the state may offer evidence showing that the violation of subdivision (b)(3) or (b)(4)(B) was an act of community terrorism as defined in subdivision (c)(3). If the court finds that the act resulting in the conviction constituted an act of community terrorism, then the court shall punish the person two (2) classifications higher than the classification established for the offense for which the person was convicted.

(3) As used in this subsection (c), "community terrorism" means an offense committed against a population within a geographic territory by members of a criminal gang that regularly engages in gang related conduct, as defined by § 29-3-101(a)(2)(B), or has a pattern of criminal gang activity, as defined by § 40-35-121(a), and the commission of the offense is gang-related.

SECTION 5. Tennessee Code Annotated, Section 39-13-103(a), is amended by deleting the subsection and substituting instead the following:

(a) A person commits an offense who recklessly engages in, either individually or in concert with another person, conduct that places or may place another person in imminent danger of death or serious bodily injury.

SECTION 6. 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. 1315**

**House Bill No. 1478\***

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

SECTION 6. Tennessee Code Annotated, Section 39-13-103(a), is amended by deleting the subsection and substituting instead the following:

(a) A person commits an offense who recklessly engages in, either individually or in concert with another person, conduct that places or may place another person in imminent danger of death or serious bodily injury.



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# HOUSE RESEARCH DIVISION

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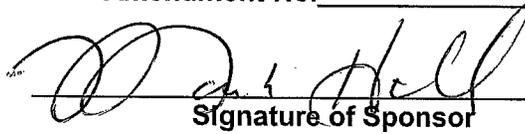
## Finance, Ways & Means Subcommittee Amendment Packet

February 5<sup>th</sup>, 2020

MP 11:20am

Hall

Amendment No. 1

  
Signature of Sponsor

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

**AMEND Senate Bill No. 673\***

**House Bill No. 787**

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

SECTION 1. Tennessee Code Annotated, Title 58, Chapter 3, is amended by adding the following as a new section:

The department of veterans services shall provide training in suicide prevention to the employees of the department who directly interact with veterans. The training provided pursuant to this section must equip employees with the ability to recognize the warning signs of a potential suicide. The department may utilize resources from nonprofit organizations to provide the training required by this section.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.



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# HOUSE EDUCATION COMMITTEE

## AMENDMENT PACKET

FOR

February 5, 2020

Ed Full 2/15  
Haston

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

Signature of Sponsor

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

AMEND Senate Bill No. 1755

House Bill No. 1671\*

by deleting from subdivision (c)(1)(A) the language "who have been suspended" and substituting instead the language "who have been suspended for more than ten (10) days".

**AND FURTHER AMEND** by deleting subdivision (c)(1)(A)(i) in Section 1 and substituting instead the following:

- (i) There is space and staff available, as determined by the director of schools, or the director's designee, at the time of the student's suspension or expulsion; and



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January 31, 2020

**SUMMARY OF ORIGINAL BILL:** Authorizes a director of schools or the director's designee to remove a student from an alternative school or alternative program under certain conditions. Authorizes a director of schools, or the director's designee, to decide whether to enforce a suspension or expulsion of a student that has transferred from another LEA. Authorizes an LEA to decide whether to assign a student to an alternative school or alternative program if that student transferred from another LEA and has a remaining term on a suspension or expulsion.

**FISCAL IMPACT OF ORIGINAL BILL:**

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (013675):** Deletes and replaces language in the original bill such that the only substantive changes are to: 1) require a minimum suspension of more than 10 days before attendance in an alternative school or alternative program is mandatory for students in grades 7-12; and 2) authorize a director of school or director's designee to determine if there is space and staff available when considering attendance in an alternative program or alternative school for students meeting the required conditions.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Tennessee Code Annotated § 49-6-3402 requires mandatory attendance in an alternative school or alternative program if there is space available, for all students in grades seven through twelve who are expelled.
- Tennessee Code Annotated § 49-6-3402 establishes that attendance in an alternative school or alternative program shall be voluntary for students in grades one through six who have been suspended or expelled from the regular school program unless the local board of education adopts a policy mandating attendance in either instance.
- The proposed legislation does not require the expansion of an LEA's current alternative school program.

- LEAs will be able to comply with the proposed legislation within existing resources without a significant increase in expenditures.
- No significant impact to state or local operations.
- No change to the Basic Education Program.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

/alh

Ed Full 215  
Zachary

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

  
Signature of Sponsor

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

AMEND Senate Bill No. 1604

House Bill No. 1559\*

by deleting subdivision (a)(2) in the amendatory language of Section 1 and redesignating subsequent subdivisions accordingly.

**AND FURTHER AMEND** by adding the following as a new subsection (e) in the amendatory language of Section 1:

(e) The department of education shall survey each LEA and public charter school to study the relevance and value of the instruction required under subsection (a) no later than July 1, 2025. The department shall report the results of the survey and study required under this subsection (e) to the education committees of the senate and house of representatives no later than November 1, 2025.



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Ed Full 2/15  
Dunn

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

*Bill Dunn*

Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1604**

**House Bill No. 1559\***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a)

(1) Each LEA and public charter school shall provide age-appropriate instruction to public school students in kindergarten through grade twelve (K-12) on the events of September 11, 2001.

(2) The instruction required under subdivision (a)(1) must occur annually on September 11, unless September 11 falls on a day when school is not in session, then the instruction must be provided to students on the last regular school day that immediately precedes September 11 of that year.

(b) An LEA or public charter school providing instruction on the events of September 11, 2001, as required in subdivision (a)(1), is encouraged to, if practicable:

(1) Begin the instruction at eight forty-six a.m. (8:46 a.m.), prevailing time;

(2) Continue the instruction for a minimum of nine (9) minutes and eleven (11) seconds;

(3) Incorporate the phrases "United We Stand" and "Never Forget" into the instruction; and

(4) Focus the instruction on heroism, patriotism, and the sacrifices made by the first responders and volunteers who aided in the rescue and recovery efforts.



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- 1 -



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(c) The department of education shall provide each LEA and public charter school with a variety of age-appropriate and grade-appropriate internet resources and materials that may be used to educate K-12 public school students about the events of September 11, 2001. The resources and materials identified by the department should aid educators and curriculum coordinators in creating programs and lesson plans. Each LEA and public charter school shall determine the resources and materials that will be used to provide the instruction required under subdivision (a)(1).

(d) This section is repealed on July 1, 2025.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.

Untimely Filed

Cepiching

Amendment No. \_\_\_\_\_  
  
 \_\_\_\_\_  
 Signature of Sponsor

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

**AMEND Senate Bill No. 1741**

**House Bill No. 1592\***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "eligible postsecondary institution" and "Tennessee Promise scholarship student" have the same meanings as defined in § 49-4-708.

(b) The Tennessee higher education commission shall establish a four-year pilot program to award completion grants to Tennessee Promise scholarship students who are eligible for and receiving services as part of the college coaching initiative delivered by Tennessee Promise partnering organizations, and who have an immediate financial need, or who are experiencing a financial hardship, that may prevent the student from completing a postsecondary degree or credential. The Tennessee Promise partnering organizations are responsible for identifying the college coaching initiative students who are eligible for a completion grant under this subsection (b).

(c) The pilot program will begin with the 2020-2021 academic year.

(d) The commission is authorized and empowered to contract with one (1) or more entities to administer some or all portions of the pilot program. The commission is encouraged to contract with organizations that are partnering with this state to support the college coaching initiative, which is a proactive, high-impact coaching model that seeks to increase postsecondary matriculation, retention, and completion rates for the most at-risk Tennessee Promise scholarship student population.

(e) Throughout the pilot program, the commission shall collect and analyze:



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\*013933\*

(1) The number and percentage of college coaching initiative students who:

(A) Applied for a completion grant, disaggregated by each eligible postsecondary institution;

(B) Received a completion grant, disaggregated by each eligible postsecondary institution;

(C) Remained enrolled and made progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(D) Withdrew from the eligible postsecondary institution or stopped making progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution; and

(E) Completed a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(2)

(A) The total amount of completion grants awarded, disaggregated by academic year and by each eligible postsecondary institution; and

(B) The average amount of completion grants awarded;

(3) The financial needs or hardships reported by college coaching initiative students who applied for, but did not receive, a completion grant;

(4) The financial needs or hardships reported by college coaching initiative students who applied for and received a completion grant; and

(5) Information that the commission believes may assist the general assembly in evaluating the effectiveness of the pilot program.

(f) Subject to appropriation in the general appropriations act:

(1) The commission shall not:

(A) Use net proceeds of the state lottery to fund completion grants awarded pursuant to this section; or

(B) Award more than two hundred fifty thousand dollars (\$250,000) in completion grants in the first year, of the pilot program or in any subsequent year of the pilot program;

(2) The commission shall only use funds appropriated to the commission from the general fund to award completion grants pursuant to this section;

(3) All funds appropriated to the commission from the general fund for purposes of this section that remain unexpended at the end of a fiscal year do not revert to the general fund, but must be carried forward into subsequent fiscal years to effectuate the purposes of this section;

(4) Funds appropriated to the commission from the general fund for purposes of this section for each fiscal year must provide the commission with sufficient funds to ensure that the minimum balance of funds available to the commission on July 1 of that fiscal year is not less than two hundred fifty thousand dollars (\$250,000), including any funds that may have been carried forward from preceding fiscal years; and

(5) Any funds that remain unexpended at the conclusion of the pilot program revert to the general fund at the end of the fiscal year.

(g) The commission shall submit an annual report on the outcomes of the pilot program to the education committee of the senate and to the education committee of the house of representatives no later than December 31, 2021, for the first year of the pilot program, and no later than December 31 of each remaining year.

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

it.



February 4, 2020

**SUMMARY OF ORIGINAL BILL:** Requires the Tennessee Student Assistance Corporation (TSAC) to establish a four-year pilot program, beginning with the 2020-2021 academic year, to award completion grants to Tennessee Promise scholarship students who have an immediate financial need or who are experiencing a financial hardship that may prevent the student from completing a postsecondary degree or credential.

Authorizes TSAC to contract with one or more entities to administer some or all portions of the pilot program.

Requires TSAC to submit an annual report on the outcomes of the pilot program to the Education Committee of the Senate and to the Education Committee of the House of Representatives by December 31, 2021, and no later than December 31 of each remaining year of the pilot program.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$1,263,200/Each FY20-21 through FY23-24  
/Lottery for Education Fund

Other Fiscal Impact – Funding in an amount estimated to be \$1,263,200 in each FY20-21 through FY23-24 will not be available for transfer from the Lottery for Education Account to the Tennessee Promise Special Reserve Account as a result of students receiving a completion grant.

**SUMMARY OF AMENDMENT (013933):** Deletes and rewrites all language after the enacting clause such that the only substantive changes are: (1) transfers responsibility for the program from TSAC to the Tennessee Higher Education Commission (THEC); (2) limits the eligible recipient population to those students who are eligible for and receiving services as part of the college coaching initiative delivered by Tennessee Promise partnering organizations, and who have an immediate financial need or are experiencing a financial hardship that may prevent the student from completing a postsecondary degree or credential; (3) delegates, to the Tennessee Promise partnering organizations, the responsibility to identify the students who are eligible for a completion grant; (4) caps the total per year amount of completion grants awarded by THEC under this program at \$250,000; (5) stipulates guidelines regarding annual funding and processes for any unexpended funds; and (6) requires THEC to use only funds appropriated to THEC from the General Fund to award completion grants.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures - \$250,000/Each FY20-21 through FY23-24**

Assumptions for the bill as amended:

- Any increase in expenditures for THEC to establish and administer the pilot program is estimated to be not significant.
- The proposed legislation limits total expenditures for the completion grant to \$250,000 annually; therefore, the increase in state expenditures from the General Fund is estimated to be \$250,000 in each FY20-21 through FY23-24.
- The annual allocation for the pilot program will be awarded in full and there will not be a significant amount of unspent funds in any given year.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

/jpi

Ed Full 215  
Cepicky

Amendment No. \_\_\_\_\_  
  
Signature of Sponsor

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

**AMEND Senate Bill No. 1741**

**House Bill No. 1592\***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "eligible postsecondary institution" and "Tennessee Promise scholarship student" have the same meanings as defined in § 49-4-708.

(b) The Tennessee student assistance corporation shall establish a four-year pilot program to award completion grants to Tennessee Promise scholarship students who are eligible for and receiving services as part of the college coaching initiative delivered by Tennessee Promise partnering organizations, and who have an immediate financial need, or who are experiencing a financial hardship, that may prevent the student from completing a postsecondary degree or credential. The Tennessee Promise partnering organizations are responsible for identifying the college coaching initiative students who are eligible for a completion grant under this subsection (b).

(c) The pilot program will begin with the 2020-2021 academic year.

(d) The corporation is authorized and empowered to contract with one (1) or more entities to administer some or all portions of the pilot program. The corporation is encouraged to contract with organizations that are partnering with this state to support the college coaching initiative, which is a proactive, high-impact coaching model that seeks to increase postsecondary matriculation, retention, and completion rates for the most at-risk Tennessee Promise scholarship student population.

(e) Throughout the pilot program, the corporation shall collect and analyze:



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\*013451\*

(1) The number and percentage of college coaching initiative students who:

(A) Applied for a completion grant, disaggregated by each eligible postsecondary institution;

(B) Received a completion grant, disaggregated by each eligible postsecondary institution;

(C) Remained enrolled and made progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(D) Withdrew from the eligible postsecondary institution or stopped making progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution; and

(E) Completed a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(2)

(A) The total amount of completion grants awarded, disaggregated by academic year and by each eligible postsecondary institution; and

(B) The average amount of completion grants awarded;

(3) The financial needs or hardships reported by college coaching initiative students who applied for, but did not receive, a completion grant;

(4) The financial needs or hardships reported by college coaching initiative students who applied for and received a completion grant; and

(5) Information that the corporation believes may assist the general assembly in evaluating the effectiveness of the pilot program.

(f) Subject to appropriation in the general appropriations act:

(1) The corporation shall not:

(A) Use funds appropriated to the corporation from the lottery for education account created under § 4-51-111 to fund completion grants awarded pursuant to this section; or

(B) Award more than two hundred fifty thousand dollars (\$250,000) in completion grants in the first year, of the pilot program or in any subsequent year of the pilot program;

(2) The corporation shall only use funds appropriated to the corporation from the general fund to award completion grants pursuant to this section;

(3) All funds appropriated to the corporation from the general fund for purposes of this section that remain unexpended at the end of a fiscal year do not revert to the general fund, but must be carried forward into subsequent fiscal years to effectuate the purposes of this section;

(4) Funds appropriated to the corporation from the general fund for purposes of this section for each fiscal year must provide the corporation with sufficient funds to ensure that the minimum balance of funds available to the corporation on July 1 of that fiscal year is not less than two hundred fifty thousand dollars (\$250,000), including any funds that may have been carried forward from preceding fiscal years; and

(5) Any funds that remain unexpended at the conclusion of the pilot program revert to the general fund at the end of the fiscal year.

(g) The corporation shall submit an annual report on the outcomes of the pilot program to the education committee of the senate and to the education committee of the house of representatives no later than December 31, 2021, for the first year of the pilot program, and no later than December 31 of each remaining year.

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



February 3, 2020

**SUMMARY OF ORIGINAL BILL:** Requires the Tennessee Student Assistance Corporation (TSAC) to establish a four-year pilot program, beginning with the 2020-2021 academic year, to award completion grants to Tennessee Promise scholarship students who have an immediate financial need or who are experiencing a financial hardship that may prevent the student from completing a postsecondary degree or credential.

Authorizes TSAC to contract with one or more entities to administer some or all portions of the pilot program.

Requires TSAC to submit an annual report on the outcomes of the pilot program to the Education Committee of the Senate and to the Education Committee of the House of Representatives by December 31, 2021, and no later than December 31 of each remaining year of the pilot program.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$1,263,200/Each FY20-21 through FY23-24  
/Lottery for Education Fund

Other Fiscal Impact – Funding in an amount estimated to be \$1,263,200 in each FY20-21 through FY23-24 will not be available for transfer from the Lottery for Education Account to the Tennessee Promise Special Reserve Account as a result of students receiving a completion grant.

**SUMMARY OF AMENDMENT (013451):** Deletes and rewrites all language after the enacting clause such that the only substantive changes are: (1) limits the eligible recipient population to those students who are eligible for and receiving services as part of the college coaching initiative delivered by Tennessee Promise partnering organizations, and who have an immediate financial need or are experiencing a financial hardship that may prevent the student from completing a postsecondary degree or credential; (2) delegates, to the Tennessee Promise partnering organizations, the responsibility to identify the students who are eligible for a completion grant; (3) caps the total per year amount of completion grants awarded by TSAC under this program at \$250,000; (4) stipulates guidelines regarding annual funding and processes for any unexpended funds; and (5) requires TSAC to use only funds appropriated to TSAC from the General Fund to award completion grants.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures - \$250,000/Each FY20-21 through FY23-24**

Assumptions for the bill as amended:

- Any increase in expenditures for TSAC to establish and administer the pilot program is estimated to be not significant.
- The proposed legislation limits total expenditures for the completion grant to \$250,000 annually; therefore, the increase in state expenditures from the General Fund is estimated to be \$250,000 in each FY20-21 through FY23-24.
- Based on information provided by TSAC, the annual allocation for the pilot program will be awarded in full and there will not be a significant amount of unspent funds in any given year.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

/jbj

Passed Sub 1/28

House Higher Education Subcommittee Am. #1

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

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

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

**AMEND Senate Bill No. 1741**

**House Bill No. 1592\***

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

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section "eligible postsecondary institution" and "Tennessee Promise scholarship student" have the same meanings as defined in § 49-4-708.

(b) The Tennessee student assistance corporation shall establish a four-year pilot program to award completion grants to Tennessee Promise scholarship students who are eligible for and receiving services as part of the college coaching initiative delivered by Tennessee Promise partnering organizations, and who have an immediate financial need, or who are experiencing a financial hardship, that may prevent the student from completing a postsecondary degree or credential. The Tennessee Promise partnering organizations are responsible for identifying the college coaching initiative students who are eligible for a completion grant under this subsection (b).

(c) The pilot program will begin with the 2020-2021 academic year.

(d) The corporation is authorized and empowered to contract with one (1) or more entities to administer some or all portions of the pilot program. The corporation is encouraged to contract with organizations that are partnering with this state to support the college coaching initiative, which is a proactive, high-impact coaching model that seeks to increase postsecondary matriculation, retention, and completion rates for the most at-risk Tennessee Promise scholarship student population.

(e) Throughout the pilot program, the corporation shall collect and analyze:



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\*012579\*

(1) The number and percentage of college coaching initiative students who:

(A) Applied for a completion grant, disaggregated by each eligible postsecondary institution;

(B) Received a completion grant, disaggregated by each eligible postsecondary institution;

(C) Remained enrolled and made progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(D) Withdrew from the eligible postsecondary institution or stopped making progress toward a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution; and

(E) Completed a postsecondary degree or credential after receiving a completion grant, disaggregated by each eligible postsecondary institution;

(2)

(A) The total amount of completion grants awarded, disaggregated by academic year and by each eligible postsecondary institution; and

(B) The average amount of completion grants awarded;

(3) The financial needs or hardships reported by college coaching initiative students who applied for, but did not receive, a completion grant;

(4) The financial needs or hardships reported by college coaching initiative students who applied for and received a completion grant; and

(5) Information that the corporation believes may assist the general assembly in evaluating the effectiveness of the pilot program.

(f) Subject to appropriation in the general appropriations act:

(1) To the extent permitted by federal law, the corporation may use, and combine with other state funds, available temporary assistance for needy families (TANF) funds to award completion grants to eligible college coaching initiative students under this section; and

(2)

(A) The corporation shall not award more than two hundred fifty thousand dollars (\$250,000) in completion grants in the first year of the pilot program, or in any subsequent year of the pilot program;

(B) All funds appropriated to the corporation for purposes of this section that remain unexpended at the end of a fiscal year do not revert to the general fund, but must be carried forward into subsequent fiscal years to effectuate the purposes of this section;

(C) Funds appropriated to the corporation for purposes of this section for each fiscal year must provide the corporation with sufficient funds to ensure that the minimum balance of funds available to the corporation on July 1 of that fiscal year is not less than two hundred fifty thousand dollars (\$250,000), including any funds that may have been carried forward from preceding fiscal years; and

(D) Any funds that remain unexpended at the conclusion of the pilot program revert to the general fund at the end of the fiscal year.

(g) The corporation shall submit an annual report on the outcomes of the pilot program to the education committee of the senate and to the education committee of the house of representatives no later than December 31, 2021, for the first year of the pilot program, and no later than December 31 of each remaining year.

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

it.

Ed Will 2/15  
Cepicaly

Amendment No. \_\_\_\_\_  
*[Signature]*  
Signature of Sponsor

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

**AMEND Senate Bill No. 1565**

**House Bill No. 1554\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-6013, is amended by deleting the section and substituting instead the following:

(a) Tennessee comprehensive assessment program (TCAP) tests administered in the 2019-2020 school year must be administered in a paper format.

(b) Before TCAP tests are administered in the 2020-2021 school year, each LEA shall participate in an online verification test conducted by the department of education. The commissioner of education may, based on the results of the online verification test, authorize TCAP tests to be administered in a computerized format in the 2020-2021 school year and in subsequent school years.

(c) Beginning with the 2020-2021 school year, if the commissioner authorizes TCAP tests to be administered in a computerized format, then an LEA's local board of education may choose to administer TCAP tests to the LEA's students in a paper format. Each LEA must notify the department by June 1 of each year if the LEA has chosen to administer TCAP tests for the upcoming school year in a paper format. The department must provide TCAP test materials in a paper format to each LEA choosing to administer TCAP tests in a paper format.

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

  
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1/28/20

House Curriculum, Testing, & Innovation Subcommittee Am. #1

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

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

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

**AMEND Senate Bill No. 1565**

**House Bill No. 1554\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-6013, is amended by deleting the section and substituting instead the following:

(a) Tennessee comprehensive assessment program (TCAP) tests administered in the 2019-2020 school year must be administered in a paper format.

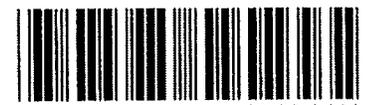
(b) Before TCAP tests are administered in the 2020-2021 school year, each LEA shall participate in an online verification test conducted by the department of education. The commissioner of education may, based on the results of the online verification test, authorize TCAP tests to be administered in a computerized format in the 2020-2021 school year and in subsequent school years.

(c) Beginning with the 2020-2021 school year, if the commissioner authorizes TCAP tests to be administered in a computerized format, then an LEA's local board of education may choose to administer TCAP tests to the LEA's students in a paper format. Each LEA must notify the department by May 1 of each year if the LEA has chosen to administer TCAP tests for the upcoming school year in a paper format. The department must provide TCAP test materials in a paper format to each LEA choosing to administer TCAP tests in a paper format.

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



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January 31, 2020

**SUMMARY OF ORIGINAL BILL:** Authorizes the Commissioner of the Department of Education (DOE), based on the results of an online verification test, to allow Tennessee Comprehensive Assessment Program (TCAP) tests to be administered in a computerized format in the 2020-2021 year and subsequent school years. Authorizes a local board of education to administer TCAP tests in paper format if the Commissioner of DOE authorizes TCAP tests to be administered in a computerized format. Requires local education agencies (LEAs) to notify DOE by September 1 of each year if the LEA has chosen to administer TCAP tests for the current year in a paper format. Requires DOE to provide TCAP materials in a paper format to each LEA choosing to administer TCAP tests in a paper format.

**FISCAL IMPACT OF ORIGINAL BILL:**

Other Fiscal Impact – Due to a number of unknown factors, an exact fiscal impact cannot be quantified. The proposed legislation could result in possible future savings not being realized.

**SUMMARY OF AMENDMENT (013448):** Deletes all language after the enacting clause and rewrites the bill such that the only substantive change is to change, from September 1<sup>st</sup> to May 1<sup>st</sup>, the date by which each LEA must notify DOE if the LEA has chosen to administer TCAP tests for the upcoming school year in a paper format.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Public Chapter 475 of 2019 requires TCAP testing for the 2019-20 school year to be administered in paper format; it also authorizes the Commissioner of DOE to determine the format for TCAP tests administered in the 2020-21 school year.
- The current vendor contract with DOE includes costs that are required for the development and administration of the TCAP exam regardless of the testing platform (paper or online).

- The development, set-up, and technical support costs are unchanged by the number of students taking the online exam or how many paper tests are printed.
- Based on the current vendor contract, the cost of creating the tests is \$10,788,462. Additionally, administering the test in a paper only format will result in expenditures of approximately \$5,522,106 and administering the test in online only format will result in expenditures of approximately \$3,747,558. The annual funding allocations are sufficient to cover costs of both paper and online formats.
- Passage of this legislation will not have a significant fiscal impact unless the Commissioner of DOE chooses to administer an online only format and one or more LEAs choose to administer a paper format, or the Commissioner chooses a mix of paper and online formats but one or more LEAs choose to administer a paper format instead of an online format. In those instances, the state will be prevented from realizing a reduction of expenditures in an amount up to \$1,774,548 (\$5,522,106 paper only - \$3,747,558 online only).
- Due to a number of unknown factors, including future decisions made by the Commissioner of DOE and LEAs, the timing of such decisions, and the structure of future procured contracts, an exact fiscal impact is unknown.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

/alh

Ed Full 2/15  
Van Huss

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

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

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

**AMEND Senate Bill No. 496**

**House Bill No. 38\***

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

SECTION 1. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(vii), is amended by deleting the language "For teachers without access to individual growth data representative of student growth" and substituting instead "For teachers in grades three through twelve (3-12) without access to individual growth data representative of student growth".

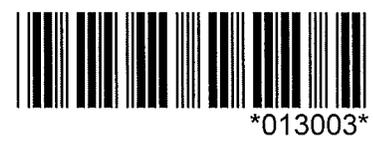
SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix) and substituting instead the following:

Beginning with the 2020-2021 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B)(x), is amended by deleting the language "grade levels and".

SECTION 4. Tennessee Code Annotated, Section 49-1-302(d)(2), is amended by adding the following as a new subdivision:

(F) Beginning with the 2020-2021 school year, for teachers in pre-kindergarten through grade two (pre-K-2), sixty percent (60%) of the evaluation criteria must be comprised of classroom or position observation results pursuant to subdivision (d)(2)(C). The remaining forty percent (40%) of the evaluation criteria must be based on other measures of student achievement selected from the list of measures developed and adopted pursuant to subdivision (d)(2)(B)(iii).



SECTION 5. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated according to § 49-1-302(d)(2)(F).

SECTION 6. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a) This state shall not mandate any test, assessment, or evaluation of students in pre-kindergarten through grade two (pre-K-2), which includes, but is not limited to, any test, assessment, or evaluation used to measure the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2020-2021 school year and each school year thereafter.

Van Huss  
Ed Full

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

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

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

**AMEND Senate Bill No. 496**

**House Bill No. 38\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated pursuant to § 49-6-309.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (viii) and substituting instead the following:

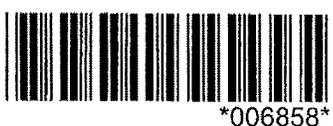
By the 2019-2020 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix).

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

**49-6-309.**

(a) Teachers in pre-kindergarten through grade two (pre-K-2) must be evaluated by a peer group that consists of at least three (3) licensed teachers employed in the teacher's school who have been selected by the LEA's director of schools. The peer group shall evaluate the pre-kindergarten and kindergarten teachers employed in the



school under the supervision of the school's principal using the evaluation guidelines and criteria developed by the LEA's director of schools.

(b) The evaluation guidelines and criteria developed by the LEA's director of schools must be applied uniformly throughout the LEA and must provide each pre-kindergarten through grade two (pre-K-2) teacher in the LEA with individual growth data that is representative of student growth for purposes of § 49-1-302(d)(2)(B).

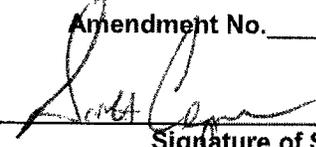
SECTION 5. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a) This state shall not administer any test or assessment to students in pre-kindergarten through grade two (pre-K-2), which includes, but is not limited to, any test or assessment used by this state to evaluate the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

SECTION 6. For purposes of developing evaluation guidelines and criteria, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 2, 3, and 5 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 1 and 4 of this act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2019-2020 school year and each school year thereafter. For all other purposes, all remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.

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

Amendment No. \_\_\_\_\_  
  
 \_\_\_\_\_  
 Signature of Sponsor

**AMEND Senate Bill No. 496**

**House Bill No. 38\***

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

SECTION 1. Tennessee Code Annotated, Section 49-6-105, is amended by deleting subsections (e), (f), and (g) and substituting instead the following:

(e) Pre-kindergarten and kindergarten teachers employed in an LEA that receives pre-kindergarten program approval under §§ 49-6-103 - 49-6-110 must be evaluated pursuant to § 49-6-309.

SECTION 2. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (viii) and substituting instead the following:

By the 2019-2020 school year, in order to provide individual growth scores to teachers in grades three through twelve (3-12) who teach in a non-tested subject, LEAs shall use at least one (1) appropriate alternative growth model that has been approved by the state board of education.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(d)(2)(B), is amended by deleting subdivision (ix).

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 6, Part 3, is amended by adding the following as a new section:

**49-6-309.**

(a) Teachers in pre-kindergarten through grade two (pre-K-2) must be evaluated by a peer group that consists of at least three (3) licensed teachers employed in the teacher's school who have been selected by the LEA's director of schools. The peer group shall evaluate the pre-kindergarten and kindergarten teachers employed in the



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school under the supervision of the school's principal using the evaluation guidelines and criteria developed by the LEA's director of schools.

(b) The evaluation guidelines and criteria developed by the LEA's director of schools must be applied uniformly throughout the LEA and must provide each pre-kindergarten through grade two (pre-K-2) teacher in the LEA with individual growth data that is representative of student growth.

SECTION 5. Tennessee Code Annotated, Section 49-6-6002, is amended by deleting subsection (a) and substituting instead the following:

(a) This state shall not mandate any test or assessment to students in pre-kindergarten through grade two (pre-K-2), which includes, but is not limited to, any test or assessment used by this state to evaluate the performance, growth, or achievement of a teacher or student in pre-kindergarten through grade two (pre-K-2).

SECTION 6. For purposes of developing evaluation guidelines and criteria, Sections 1 and 4 of this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, Sections 1 and 4 of this act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to teacher evaluations conducted in the 2019-2020 school year and each school year thereafter. Sections 2, 3, and 5 of this act shall take effect upon becoming a law, the public welfare requiring it.

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



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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1602**

**House Bill No. 1563\***

by deleting "January 1, 2021" in Section 1 and substituting instead "January 1, 2022".



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