

AMENDMENT NO. \_\_\_\_\_

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

**AMEND Senate Bill No. 529\***

**House Bill No. 788**

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

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new section:

Section \_\_. (a) Any valid protection order related to abuse, domestic abuse, or domestic or family violence, issued by a court of another state, tribe, or territory shall be afforded full faith and credit by the courts of this state and enforced as if it were issued in this state.

(b)(1) A protection order issued by a state, tribal or territorial court related to abuse, domestic abuse or domestic or family violence shall be deemed valid if the issuing court has jurisdiction over the parties and matter under the law of the issuing state, tribe or territory. There shall be a presumption in favor of validity where an order appears authentic on its face.

(2) For a foreign protection order to be valid in this state, the respondent must have been given reasonable notice and the opportunity to be heard before the order of the foreign state, tribe or territory was issued; provided, in the case of ex parte orders, notice and opportunity to be heard must have been given as soon as possible after the order was issued, consistent with due process.

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(3) Failure to provide reasonable notice and the opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign protection order.

(c) A petitioner may present a certified copy of a foreign order of protection to a court having jurisdiction of orders of protection in the county in which the petitioner believes enforcement may be necessary. The clerk of such court shall receive the certified copies of any foreign order of protection and any supporting documents used to show the validity of such order and shall maintain such orders, along with any submitted documents. No costs, fees or taxes shall be charged by the clerks for this service. If an enforcement action is instituted in the court pursuant to any such order, the clerk shall file the order and shall otherwise treat the enforcement action as a case, except that all court costs, fees and litigation taxes shall be taxed by the judge at the adjudication of the enforcement action. It shall be a defense to any action taken for the enforcement of such order that the order is not valid as provided in (b) or (d) hereof. No person shall present a foreign order of protection to a clerk which the person knows to no longer be in effect. A foreign order of protection shall continue in effect for the period of time specified in the order, and, if no time limitation is so specified, then the

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order shall continue in effect for a period of one (1) year from the date on which it is first presented to a Tennessee court pursuant to subsection (c); provided, however, a continuation of any such order may be granted by the court subject to the requirements set forth in Section 36-3-605.

(d) A protection order entered against both the petitioner and respondent shall not be enforceable against the petitioner in a foreign jurisdiction unless:

(1) the respondent filed a cross-or counter-petition, or a complaint or other written pleading was filed seeking such a protection order; and

(2) the issuing court made specific findings of domestic or family violence against the petitioner.

(e) The clerk shall be under no obligation to make a determination as to the validity of such orders or documentation but shall forward a copy of the foreign protection order and any supporting documentation filed with the order to the local police or sheriff's office which shall enter foreign orders of protection in the Tennessee criminal information system as provided for in Tennessee Code Annotated, Section 36-3-609.

(f) The state of Tennessee orders of protection file (the Tennessee criminal information system) shall be available at all times to inform courts, dispatchers and law enforcement officers of any protection

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order issued within this state or filed as a foreign order for purpose of enforcement in this state.

(g) Upon request the clerk shall provide a copy of the order to the person offering the same showing proof of receipt by the clerk's office.

(h) Filing and entry of the foreign order in the Tennessee criminal information system shall not be prerequisites for enforcement of the foreign protection order.

(i) Regardless of whether a foreign order of protection has been filed in this state pursuant to this section, a law enforcement officer may rely upon a copy of any such protection order which has been provided to the officer by any source and may also rely upon the statement of any person protected by a foreign order that the order remains in effect. A law enforcement officer acting in good faith shall be immune from civil and criminal liability in any action in connection with a court's finding that the foreign order was for any reason not enforceable.

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

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