

HOUSE BILL 2315  
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11 and Title 40, Chapter 7, relative to conditions of release in domestic cases and the arrest of persons violating such conditions.

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

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

(c) Concurrent with the imposition of one (1) or more conditions of release, the magistrate shall:

(1) Issue a written order for conditional release containing the conditions of such release on a form prepared by the administrative office of the courts in consultation with the Tennessee Task Force Against Domestic Violence and distributed to judges and magistrates by the administrative office of the courts;

(2) Immediately distribute a copy of the order to the law enforcement agency having custody of the defendant which agency shall file and maintain such order in the same manner as is done for orders of protection; and

(3) Provide such law enforcement agency with any available information concerning the location of the victim in a manner that protects the safety of the victim.

SECTION 2. Tennessee Code Annotated, Section 40-11-150, is amended by adding the following new subsection (h):

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(h) A person who violates a condition of release imposed pursuant to this section shall be subject to immediate arrest with or without a warrant as provided in Tennessee Code Annotated, Section 40-7-103(b). Such a violation shall be punished as contempt of the court imposing the conditions and the bail of such violator shall be revoked.

SECTION 3. Tennessee Code Annotated, Section 40-11-150, is amended by deleting the final sentence of subsection (e) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 40-7-103, is amended by designating existing subsection (b) as (c) and by adding the following new subsection (b):

(b) If a law enforcement officer has probable cause to believe that a person has violated one (1) or more of the conditions of release imposed pursuant to Tennessee Code Annotated, Section 40-11-150 and verifies that the alleged violator received notice of such conditions, the officer shall, without a warrant, arrest the alleged violator regardless of whether the violation was committed in or outside the presence of the officer.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it. The administrative office of the courts shall have the order for conditional release forms prepared by July 1, 1998 and shall distribute all such forms to judges and magistrates by September 1, 1998.