

HOUSE BILL 2928
By Buck

AN ACT relative to liability in civil tort actions.

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

SECTION 1. As used in this act, unless the context otherwise requires:

(1) "Criminal Act" means similar activity, action or inaction that would result in liability, or is a crime, whether felony or misdemeanor, under the criminal law of the state of Tennessee or of the United States.

(2) "Foreseeability" means the reasonable anticipation that harm or injury is a likely result from certain acts or omissions. To be foreseeable, an act shall be objectively reasonable to expect and not merely what may conceivably occur. In determining foreseeability, the jury shall consider the totality of the circumstances, such as the location, nature and extent of previous activities and their similarity, proximity and other relationships to the crime giving rise to the civil action.

SECTION 2. It is the public policy of this state that the owner or operator of a business has an affirmative duty to implement security measures for the protection of its customers. The owner or operator of a business, individually or collectively, or merchant or shopkeeper, has a duty to guard against the criminal act of a third party, if:

(1) The business has reason to know that an act is occurring or about to occur on the premises; or

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(2) The business knows or has reason to know that criminal acts against its customers on its premises are reasonably foreseeable.

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