

SENATE BILL 868

By Burks

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5 and Title 36, Chapter 3, Part 6, relative to protection of victims of domestic violence and victims and witnesses of crime.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subpart to subsection (a):

() The address, telephone number, social security number, and any other information which could be used to locate the whereabouts of any individual shall be treated as confidential if that individual has obtained an order of protection pursuant to Tennessee Code Annotated, Title 36, Chapter 3, Part 6, after notice and an opportunity to be heard, and after a copy of the Order of Protection has been provided to the custodian of the particular records desired to be kept confidential.

SECTION 2. Tennessee Code Annotated, Section 36-3-604, is amended by adding the following additional order to the Order of Protection form:

IT IS FURTHER ORDERED That all public records containing the address, telephone number, social security number and any other information which could be used to locate the whereabouts of the petitioner shall be deemed confidential under the provisions of Tennessee Code Annotated, Section 10-7-504, upon a copy of this Order of Protection being provided to the records custodian of the particular records sought to be held confidential.

SECTION 3. Tennessee Code Annotated, Section 10-7-504, is amended adding the following as a new subpart to subsection (a):

() The address, telephone number, social security number, and any other information which could be used to locate the whereabouts of any individual shall be treated as confidential if that individual has obtained a restraining order prohibiting violence against that individual, and after a copy of the restraining order has been provided to the custodian of the particular records desired to be kept confidential.

SECTION 4. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subpart to subsection (a):

() The telephone number, address and any other information which could be used to locate the whereabouts of a domestic violence shelter or rape crisis center shall be treated as confidential and shall not be open for inspection by members of the public upon the shelter or crisis center giving written notice to any governmental agency having such information that it is invoking the protection of this subpart.

SECTION 5. Tennessee Code Annotated, Title 36, Chapter 3, part 6, is amended by adding the following as a new section:

36-3-6___. The records of domestic violence shelters and rape crisis centers shall be treated as privileged and not subject to subpoena unless the individual to whom the records pertain authorizes their release.

SECTION 6. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subpart to subsection (a):

() The address, telephone number, social security number, and any other information which could be used to locate the whereabouts of any victim or witness in a criminal case, whether pending or completed, shall be treated as confidential if a judgment, indictment, information, warrant, or other court document verifying that the individual is or has been a victim or witness in a criminal case, or a written statement

from a rape counselor or domestic violence counselor certifying that the individual is a victim in need of the protection of this subpart, is provided to the custodian of the particular records desired to be kept confidential. Nothing in this subpart shall, in a criminal case, prevent the district attorney and counsel for the defendant, from providing to each other information which otherwise would be held confidential under this subpart, in pending cases where the constitutional rights of the defendant require it.

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