

HOUSE BILL 1292  
By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 37,  
Chapter 1, relative to detention of juveniles.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-101(a), is amended by inserting the following as a new subdivision:

(7) Provide for detention of juveniles in hardware-secured facilities designed or operated for the purpose of incarceration of children or adults only as necessary to assure their appearance at adjudicatory hearings and to protect community safety when it can be objectively determined that a juvenile is likely to commit an offense in the future.

SECTION 2. Tennessee Code Annotated, Section 37-1-114, is amended by inserting the following as a new subsection (a) and by renumbering the remaining subsections as appropriate:

(a) No child shall be placed or held in any hardware-secured facility designed or operated for the purpose of incarceration of children or adults prior to the adjudication and disposition of unruly or delinquent charges that have been properly filed against the child, unless the juvenile court judge with proper jurisdiction, or the judge's designee, determines that no less drastic alternative to deprivation of freedom by incarceration exists to assure that the child will appear at appointed times in court for proceedings related to the pending charges, or that the child is likely to commit subsequent offenses that might greatly endanger community safety and cause further victimization of citizens at large, consistent with the requirements of this section.

SECTION 2. Tennessee Code Annotated, Section 37-1-114(a)(2), is amended by inserting the following language at the end of that subdivision:

No child who is alleged to be neglected, dependent or abused shall be placed in a hardware-secured facility designed or operated for the purpose of incarceration of children or adults either prior to or following adjudicatory or dispositional proceedings relative to the neglect, dependency or abuse petition. Such children may be detained in a hardware-secured facility prior to adjudication of a delinquent or unruly petition, but only if the requirements of the remainder of this section are met.

SECTION 3. Tennessee Code Annotated, Section 37-1-131, is amended by inserting the following as a new subsection (c):

(c) No child shall be deprived of that child's freedom by incarceration in a hardware-secured facility following a finding of delinquency as a dispositional consequence for therapeutic or punitive purposes unless that child is committed to the custody of the department of children's services as provided in this chapter or to a county department of children's services authorized pursuant to title 37, chapter 2, part 2.

SECTION 4. Tennessee Code Annotated, Section 37-1-132(b), is amended by inserting the following as a new subdivision (4):

(4) A disposition under this section shall, in no event, result in the child's detention in a hardware-secured facility designed or operated for the purpose of incarceration of children or adults, unless such child has also been determined to be delinquent and the requirements of § 37-1-131 are met.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.