

CHAPTER NO. 47

SENATE BILL NO. 2256

By Kyle, Burks

Substituted for: House Bill No. 2272

By McMillan, Shaw

AN ACT to amend Tennessee Code Annotated, Section 10-7-504, relative to criminal investigative records.

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

SECTION 1. Tennessee Code Annotated, Subdivision 10-7-504(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

All investigative records of the Tennessee bureau of investigation, the office of TennCare inspector general, all criminal investigative files of the department of agriculture and the department of environment and conservation, all criminal investigative files of the motor vehicle enforcement division of the department of safety relating to stolen vehicles or parts, and all files of the handgun carry permit and driver license issuance divisions of the department of safety relating to bogus handgun carry permits and bogus driver licenses issued to undercover law enforcement agents shall be treated as confidential and shall not be open to inspection by members of the public. The information contained in such records shall be disclosed to the public only in compliance with a subpoena or an order of a court of record; provided, however, that such investigative records of the Tennessee bureau of investigation shall be open to inspection by elected members of the general assembly if such inspection is directed by a duly adopted resolution of either house or of a standing or joint committee of either house. Records shall not be available to any member of the executive branch except to the governor and to those directly involved in the investigation in the specified agencies. The above mentioned records of the departments of agriculture and environment and conservation shall cease to be confidential when the investigation is closed by the department or when the court in which a criminal prosecution is brought has entered an order concluding all proceedings and the opportunity for direct appeal has been exhausted; provided, however, that any identifying information about a confidential informant or undercover law enforcement agent shall remain confidential. The Tennessee bureau of investigation, upon written request by an authorized person of a state governmental agency, is authorized to furnish and disclose to the requesting agency the criminal history, records and data from its files, and the files of the federal government and other states to which it may have access, for the limited purpose of determining whether a license or permit should be issued to any person, corporation,

partnership or other entity, to engage in an authorized activity affecting the rights, property or interests of the public or segments thereof.

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

PASSED: April 4, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 12th day of April 2005


PHIL BREDESEN, GOVERNOR