

SENATE BILL 2890

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 38,
relative to the issuance and service of subpoenas.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following as a new section:

Section 38-3-124.

(a) The chief law enforcement officer of a county or municipal law enforcement agency may request and shall be granted from the clerk of the appropriate court an agreed-upon number of signed but otherwise blank subpoenas, as authorized by Rule 45.01 of the Tennessee Rules of Civil Procedure, for use by the requesting law enforcement agency.

(b) The number and frequency of issue shall be determined by agreement between the clerk and the chief law enforcement officer, but it is the intent of this act that law enforcement officers have a sufficient number of blank subpoenas available to insure that the time of law enforcement personnel not be spent obtaining subpoenas as provided in Rule 45 of the Tennessee Rules of Civil Procedure.

(c) The chief law enforcement officer of a county or municipal law enforcement agency may permit any full-time law enforcement officer who has been certified by the peace officer standards and training commission and is employed by such agency to carry blank subpoenas issued by the clerk as permitted by this section.

(d) If during the course of the officer's duties in the detection and prevention of crime, whether during the course of a criminal investigation or at the scene of a crime, the officer determines it necessary or advisable to compel the attendance of witnesses, victims or other people in court at a later date, the officer may fill in the subpoena and immediately serve it upon the person.

(e) An officer issuing and serving a subpoena pursuant to this section shall be return it to the chief law enforcement officer who shall return or have returned all subpoenas issued and served by the agency pursuant to this section within three (3) days of service. The return shall be in the manner as provided by law and Rule 45 of the Tennessee Rules of Civil Procedure.

SECTION2 . This act shall take effect July 1, 2010, the public welfare requiring it.