

STATE OF TENNESSE
PUBLIC CHAPTER NO. 488
SENATE BILL NO. 1684

By Ketron, Burks, Jackson, Ford, Harper, Herron, Norris, Marrero, Black

Substituted for: House Bill No. 1430

By Sontany, Gilmore, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 38 and Title 67, Chapter 4, Part 6, relative to create a statewide automated victim information and notification system and provide funding for such system.

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

SECTION 1. Tennessee Code Annotated, Section 67-4-602, is amended by adding the following new subsection (h) and by redesignating the remaining subsections accordingly:

(h)(1) There is imposed an additional privilege tax on litigation of one dollar (\$1.00) on all criminal charges, upon conviction or by order, instituted in any state or general sessions court.

(2)(A) There is created a special account in the state treasury to be known as the "Statewide Automated Victim Information and Notification System Fund" hereinafter "victim notification fund".

(B) Notwithstanding the apportionment of revenue formula in § 67-4-606, there shall be deposited in the victim notification fund proceeds from the one dollar (\$1.00) privilege tax on litigation imposed by subdivision (1) of this subsection (h).

(3) Monies in the victim notification fund may be invested by the state treasurer in accordance with the provisions of § 9-4-603.

(4) Notwithstanding any provision of law to the contrary, interest accruing on investments and deposits of the victim notification fund shall be credited to such fund, shall not revert to the general fund, and shall be carried forward into the subsequent fiscal year.

(5) Any balance remaining unexpended at the end of a fiscal year in the victim notification fund shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

(6) Money in the victim notification fund may be expended only in accordance with annual appropriations approved by the general assembly, and in accordance with § 40-38-505.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 38, is amended by adding the following as a new part:

Section 40-38-501.

There is created the "Statewide Automated Victim Information and Notification System" (hereinafter "victim notification system"), to be organized and administered in accordance with this part and to make the Statewide Automated Victim Information and Notification System operational.

Section 40-38-502.

The Statewide Automated Victim Information and Notification System shall be attached to the Tennessee Sheriffs' Association. All administrative expenses incurred by the program shall be paid from grants and funds the Tennessee Sheriffs' Association receives pursuant to § 40-38-504, and grants authorized by § 40-38-505 from the Statewide Automated Victim Information and Notification System Fund established in § 67-4-602(h).

Section 40-38-503.

Notwithstanding its association with the Tennessee Sheriffs' Association, the purpose of the victim notification system is to increase the safety of victims of crime by providing access to timely and reliable information about the custody status of offenders in county jails. This information in the victim notification system shall be available twenty-four (24) hours a day over the telephone, through the Internet, or by e-mail. Victims of crime and other concerned citizens can register to be notified immediately in the event of an offender's release, transfer, or escape.

Section 40-38-504.

Funding for the victim notification system shall come from grants, including grants authorized by § 40-38-505, donations, gifts, and appropriations made for that purpose.

Section 40-38-505.

The Department of Finance and Administration, office of criminal justice programs, is authorized to make an annual grant from the fund created in § 67-4-602(h)(2), to the Tennessee Sheriffs' Association for the purpose of supporting implementation and management of the victim notification system; provided, however, no such grant shall be issued unless the association submits to the Department of Finance and Administration, office of criminal justice programs, a plan specifying the use of the monies and the plan is approved by the office of criminal justice programs. The grant authorized in this section shall not exceed six hundred fifty thousand dollars (\$650,000) and is subject to authorization contained in the General Appropriations Act.

Section 40-38-506.

Upon the initial deposit of thirty-four thousand dollars (\$34,000) into the victim notification fund from the one dollar (\$1.00) additional privilege tax on litigation imposed by Section 1 of this act, such amount shall be allocated to the Department of Revenue for defrayal of computer-related expenses required by implementation of this act.

SECTION 3. This act shall take effect on July 1, 2009, the public welfare requiring it.

PASSED: June 3, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR