

HOUSE BILL 1361

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 8; Title 16; Title 17, Chapter 5 and Title 39, Chapter 16, relative to the maintenance of records and documents by the court of the judiciary.

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

SECTION 1. Tennessee Code Annotated, Title 17, Chapter 5, Part 3, is amended by adding the following as a new section:

17-5-315.

(a) All complaints records, notes, papers, documents and other materials filed with, created by, or in the possession of the court of the judiciary or the office of investigative counsel shall be maintained in the administrative office of the courts for at least eight (8) years.

(b) Notwithstanding title 10, chapter 7 or any other provision of law, the status of each court of the judiciary or office of investigative counsel record maintained pursuant to this section as either an open record or confidential record shall not change. Each such record shall maintain the public record status it had prior to the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 17-5-305, is amended by deleting the section in its entirety and substituting instead the following:

If it develops that the charges against a judge are frivolous or unfounded, or beyond the permissible scope of the court's inquiry, the matter will be closed and all documents, records and papers pertaining to the charges shall be transferred to the administrative office of the courts for storage and the court's docket will recite the investigation and dismissal of a groundless complaint.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.