

HOUSE BILL 1586

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 20,
Chapter 14, relative to violence in the workplace.

WHEREAS, the state of Tennessee recognizes the importance and necessity of creating an environment, that protects all employees and employers from violence in the workplace; and

WHEREAS, at the present time, given the increased prevalence of violence in our society, it is necessary and appropriate to strengthen and broaden Tennessee's laws related to violence in the workplace; and

WHEREAS, unions and other employee organizations that engage in unlawful violence and intimidation should no longer be exempt from this statute, and to the extent that it is permitted by federal law, their actions should comply with the same restrictions that every other individual is forced to comply with; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 20-14-101(4), is amended by deleting the subdivision in its entirety.

SECTION 2. Tennessee Code Annotated, Section 20-14-101(5), is amended by deleting subdivision (5) in its entirety and by substituting instead the following language:

Unlawful violence means assault, aggravated assault, stalking, intimidation, or extortion as prohibited by §§ 39-13-101, 39-13-102, 39-17-315, 39-17-309 and 39-14-112.

SECTION 3. Tennessee Code Annotated, Section 20-14-102, is amended by deleting the section in its entirety and by substituting instead the following language:

Any employer or employee who has suffered unlawful violence or a credible threat of violence from any individual, or an organization that the individual is affiliated

with, which can reasonably be construed to have been carried out at the workplace, may seek a temporary restraining order and an injunction prohibiting further unlawful violence or threats of violence by that individual, or the organization that individual is affiliated with, at the workplace. Nothing in this chapter shall be construed as authorizing a court to issue a temporary restraining order or injunction prohibiting speech or other activities that are protected by the constitutions of this state or the United States.

SECTION 4. Tennessee Code Annotated, Section 20-14-104, is amended by deleting the section in its entirety and by substituting instead the following language:

Upon filing a petition with the court for an injunction pursuant to this chapter, the petitioner may obtain a temporary restraining order if the petitioner also files an affidavit that, to the satisfaction of the court, shows reasonable proof that an employee or employer has suffered unlawful violence or a credible threat of violence by the respondent and that great or irreparable harm will result to an employee or an employer if the injunction is not granted. The affidavit shall further show that the petitioner has conducted a reasonable investigation into the underlying facts that are the subject of the petition. A temporary restraining order granted under this chapter shall remain in effect, at the court's discretion, for a period not to exceed fifteen (15) days, unless otherwise modified or terminated by the court.

SECTION 5. Tennessee Code Annotated, Section 20-14-105, is amended by deleting the section in its entirety and by substituting instead the following language:

Within ten (10) days of the filing of the petition under this chapter or as soon as practical thereafter, but in no case later than thirty (30) days after the filing of the petition, a hearing shall be held on the petition for the injunction. In the event a hearing cannot be scheduled within the county where the case is pending within the thirty-day period, it

shall be scheduled and heard as soon as possible. The respondent may file a response that explains, excuses, justifies, or denies the alleged unlawful violence or credible threat of violence or may file a cross-complaint under this chapter. At the hearing, the judge shall receive any testimony that is relevant and may make an independent inquiry. If the judge finds by clear and convincing evidence that the respondent engaged in unlawful violence or made a credible threat of violence, an injunction shall be issued prohibiting further unlawful violence or threats of violence at the workplace or while the employee or employer is acting within the course and scope of employment. An injunction issued pursuant to this chapter shall have a duration of not more than three (3) years. At any time within the three-month period before the expiration of the injunction, the petitioner may apply for a renewal of the injunction by filing a new petition for an injunction pursuant to this chapter.

SECTION 6. Tennessee Code Annotated, Section 20-14-109, is amended by deleting the section in its entirety.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.