THE ATTACHED AMENDMENTS ARE TO BILLS THAT WILL BE HEARD ON THE CALENDAR TODAY

Thursday, April 10th, 2014

Amendment Pack 21

Senate Judiciary Comm. Am. #1

SA1039

Amendment No. 2

Kelsey
Signature of Sponsor

FILED
Date 4/3/14
Time 2:02
Clerk CAH
Comm. Amdt. 1

AMEND Senate Bill No. 1685 **House Bill No. 1488***

by deleting the amendatory language of SECTION 1 in its entirety and by substituting instead the following:

40-6-109.

(a) Notwithstanding any provision of this part to the contrary, a magistrate may issue a warrant based on information communicated by telephone or other reliable electronic means. The proposed warrant, the signed affidavit, and accompanying documents may be transmitted by electronic facsimile transmission (fax) or by electronic transfer with electronic signatures to the magistrate, who may act upon the transmitted documents as if they were originals. If the warrant is being sought by electronic means rather than face-to-face, the warrant affidavit shall be sworn to or affirmed by administration of the oath by audio-visual means by the magistrate, and the examination of the affiant by the magistrate shall also be by audio-visual means; provided, the warrant affidavit shall be in writing and received by the magistrate prior to the administration of the oath and examination of the affiant. The affidavit with electronic signature received by the magistrate and the warrant approved by the magistrate, signed with electronic signature, shall be deemed originals. The magistrate shall facilitate the filing of the original warrant with the clerk of the court and shall take reasonable steps to prevent tampering with the warrant. The issuing magistrate shall retain a copy of the warrant as part of his or her official records. The issuing magistrate shall issue a copy of the warrant, with electronic

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signatures, to the affiant. This section does not alter the requirement that the affidavit be submitted to the magistrate in writing regardless of the means of transmission.

(b) Except for the specific procedural requirements established by this section for the application for and issuance of a search warrant by electronic means, the procedure for obtaining a search warrant shall be as provided by law and established in rules promulgated by the supreme court and approved by the general assembly.

AND FURTHER AMEND by deleting SECTION 2 in its entirety and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it and shall cease to be effective on July 1, 2015.

Senate Judiciary Comm. Am. #1

SA1037

Amendment No. 1

Kelsey

Signature of Sponsor

FILED
Date 4/3/14
Time 1:38
Clerk EDA
Comm. Amdt. 1

AMEND Senate Bill No. 1731* **House Bill No. 1546**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following language as a new section:

38-6-123.

(a)

(1) The Tennessee bureau of investigation shall, with the assistance of the Tennessee Association of Chiefs of Police, the Tennessee Sheriffs' Association and the County Officials Association of Tennessee, survey appropriate law enforcement agencies and court clerks' offices for the specific purpose of requesting information as to the best method for interfacing multiple computer databases to allow accessibility by police officers while on patrol, thereby allowing officers when making a lawful stop to also serve outstanding court papers such as warrants, unserved civil process, orders of protection and restraining orders.

(2) On or before January 1, 2015, the Tennessee bureau of investigation shall submit the results of the survey to the judiciary committee of the senate, and the civil and criminal justice committees of

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the house of representatives. Upon completion of the survey, a law enforcement agency may implement the suggestions set out in the survey if the suggestions are deemed helpful by the law enforcement agency and the funds exist to implement the suggestions.

(b) If a state or local law enforcement agency, on the effective date of this act and within existing resources, has the technological ability and officer training for its patrol officers to print and serve unserved civil process and other civil documents, including orders of protection and restraining orders, and wishes to do so, the agency is authorized to commence serving process in the manner set out in subsection (a) while the issues are being studied and the report prepared.

(c) The fees authorized for the service of process pursuant to title 8, chapter 21, part 9 shall inure to the benefit of the law enforcement agency serving the process and shall be used by the agency to maintain, enhance, expand and upgrade the agency's computer network and interface with other databases.

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

Senate Judiciary Comm. Am. #1

SA1058

Amendment No. 1

Kelsey

Signature of Sponsor

FILED
Date 4/3/14
Time 3:00
Clerk ARB
Comm. Amdt. 1

AMEND Senate Bill No. 2254* **House Bill No. 2361**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new, appropriately designated subsection:

(p)

(1) Where a defendant has plead guilty to, or has been convicted of, and has been sentenced for a sexual offense or violent sexual offense specified in § 40-39-202, the following information regarding the victim of the offense shall be treated as confidential and shall not be open for inspection by members of the public:

(A) Name, unless waived pursuant to subdivision (p)(2);

(B) Home, work and electronic mail addresses;

(C) Telephone numbers;

(D) Social security number; and

(E) Any photographic or video depiction of the victim.

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(2)

(A) At any time after the defendant or defendants in a case have been sentenced for an offense specified in subdivision (p)(1), the victim of such offense whose name is made confidential pursuant to subdivision (p)(1)(A) may waive such provision and allow the victim's name to be obtained in the same manner as other public records.

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(B) The district attorney general prosecuting the case shall notify the victim that the victim has the right to waive the confidentiality of the information set forth in subdivision (p)(1)(A).

(C) If the victim executes a written waiver provided by the district attorney general's office to waive confidentiality pursuant to subdivision (p)(2)(A), the waiver shall be filed in the defendant's case file in the office of the court of competent jurisdiction.

(3) Nothing in this subsection (p) shall prevent the district attorney general or attorney general and reporter and counsel for a defendant from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection (p).

(4) Nothing in this subsection (p) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (p)(1); provided, confidential information shall be redacted before any access is granted to a member of the public.

(5) Nothing in this subsection (p) shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.

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