

SENATE BILL 347

By Tate

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1, Part 1, relative to the detention and release of certain juveniles.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-115, is amended by adding the following new subsection:

(c)

(1) If a child is taken into custody for commission of a delinquent or unruly act pursuant to this section and is released by the court either before or after the hearing of the petition, the court may require as a condition of release that the child carry or wear a global positioning monitoring system device and require the child or the child's parents or guardian, if able, to pay the costs associated with the operating and monitoring of that device. Before issuing an order, the judge shall make a finding that the use of global positioning monitoring is necessary to protect the child or protect others from the child and that based on the known facts and circumstances of the case this form of monitoring is an effective way to monitor the location of the child. Any global positioning monitoring system order shall be pursuant to the requirements of this subsection

(c).

(2) For the purposes of this subsection (c):

(A)

(i) "Global positioning monitoring system" means a system that electronically determines and reports the location of a child

through the use of a transmitter or similar device carried or worn by the child that transmits latitude and longitude data to a monitoring entity through global positioning satellite technology.

(ii) "Global positioning monitoring system" does not include a system that contains or operates global positioning system technology, radio frequency identification technology, or any other similar technology that is implanted in or otherwise invades or violates the child's body.

(3) The order shall describe in detail the locations the child will be ordered to refrain from going to or near and the minimum distances, if any, that the child must maintain from those locations.

(4) In determining whether to order a child's participation in a global positioning monitoring system under this subsection (c), the court shall consider the likelihood that the child's participation will deter the child from seeking to kill, physically injure, stalk, or otherwise threaten another or deter the child from further committing the same unruly or delinquent conduct.

(5) The court may allow a child to perform community service in lieu of paying the costs required by this subsection (c) if the court determines that the child and the child's parents or guardian are indigent.

(6) The court that imposes a condition described by this subsection (c) shall order the entity that operates the global positioning monitoring system to notify the court and the appropriate local law enforcement agency if a child violates a condition of release imposed under this section.

(7) Violation of a global positioning monitoring system rule or tampering with global positioning monitoring system equipment is sufficient grounds to order the child returned to court and detained as provided in § 37-1-116.

(8) The global positioning monitoring of any child ordered pursuant to this subsection (c) shall be provided by the county or municipality in which the court

ordering the monitoring is located or any private entity with which that county or municipality contracts for global positioning monitoring services.

SECTION 2. Tennessee Code Annotated, Section 37-1-114, is amended by deleting from subdivision (c)(7) the language “legal custodian or relative;” and substituting instead the language “legal custodian or relative, global positioning system monitoring pursuant to § 37-1-115(c);”.

SECTION 3. Tennessee Code Annotated, Section 37-1-114, is amended by deleting the period “.” at the end of subsection (b) and substituting instead the following:

or from ordering the release of the child under the condition that the child be subject to global positioning system monitoring pursuant to § 37-1-115(c).

SECTION 4. Tennessee Code Annotated, Section 37-1-117, is amended by adding the following new sentence to the end of subsection (e):

If the court chooses to release the child on an appearance bond, it may, in its discretion, make release subject to global positioning system monitoring pursuant to § 37-1-115(c).

SECTION 5. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to any release from detention ordered on or after that date.