

Amendment No. 1 to HB1471

Curcio
Signature of Sponsor

AMEND Senate Bill No. 1322

House Bill No. 1471*

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 3, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Critical injury" means an injury that is reasonably likely to result in the death of the injured person, as determined by the district attorney general of the county in which the injury occurred;

(2) "Law enforcement agency" means a lawfully established local public agency that is responsible for the prevention and detection of crime;

(3) "Law enforcement officer" means a sworn officer of a law enforcement agency; and

(4) "Officer-involved shooting" means the shooting of a person:

(A) By a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer's law enforcement duties; and

(B) That results in the death or critical injury of the person.

(b)

(1) A local law enforcement agency shall notify the TBI immediately of an officer-involved shooting;

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(2) The local law enforcement agency shall secure and preserve the scene of the officer-involved shooting prior to the arrival of TBI investigators and during the TBI investigation at the scene;

(3) The local law enforcement agency shall identify any witnesses, including the officers involved and bystanders, and provide the information to the TBI investigators;

(3) Any local law enforcement agency internal or administrative investigation of the officer-involved shooting must not interfere with the TBI investigation; any local law enforcement agency internal or administrative investigation witness interviews must be conducted after the TBI witness interviews; and officials, employees, or representatives of the local law enforcement agency may not be present during the TBI witness interviews without the consent of the TBI;

(4) The TBI must report any findings to the district attorney general of the county in which the officer-involved shooting occurred and the attorney general and reporter; and

(5) The TBI's report must be disclosed to the public in the manner described in § 38-8-311, regardless of whether the person in question died as a result of the shooting.

(c) Notwithstanding § 38-8-309, this section applies to all law enforcement agencies.

(d) Nothing in this section limits the rights of a police officer provided by §§ 38-8-301 - 38-8-310.

(e) Nothing in this section prevents a district attorney general from requesting the TBI to investigate officer use of force incidents not involving death or critical injury. When the district attorney general requests the TBI's investigation of an officer use of force incident, the requirements of this section apply.

SECTION 2. This act shall take effect January 1, 2021, the public welfare requiring it.