

HOUSE BILL 138

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to alternatives to arrest.

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

SECTION 1. Tennessee Code Annotated, Section 40-7-118(b)(3), is amended by deleting the subdivision and substituting instead the following:

(3) Except as provided by subsection (c), a peace officer shall issue a citation to the arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate if a person is arrested for:

(A) The offense of theft in violation of § 39-14-103;

(B) Issuance of bad checks, in violation of § 39-14-121;

(C) Use of a revoked or suspended driver license in violation of § 55-50-504, § 55-50-601, or § 55-50-602;

(D) Assault or battery if the officer believes there is not a reasonable likelihood that persons would be endangered by the arrested person if a citation were issued in lieu of continued physical custody of the defendant; or

(E) Prostitution, in violation of § 39-13-513, if the arresting party has reasonable cause to believe that the defendant will not attempt to engage in prostitution activities within a reasonable period of time if not arrested.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding the following language as a new section:

(a) A law enforcement agency may create, and is encouraged to create, a program to refer individuals to treatment for substance abuse who voluntarily seek

assistance from the law enforcement agency as an alternative to arrest for a violation of § 39-17-418.

(b) A person who voluntarily seeks assistance through a program created pursuant to this section:

(1) Shall not be placed under arrest;

(2) Shall not be prosecuted for the possession of any controlled substance, paraphernalia, or other item surrendered to the law enforcement agency;

(3) Shall be paired immediately with a volunteer mentor to assist in recovery; and

(4) Shall be immediately referred to a community mental health center, medical provider, or other entity for substance abuse treatment.

(c) A person is ineligible for placement through a program established pursuant to this section if the person:

(1) Has an outstanding arrest warrant;

(2) Has been convicted of three (3) or more drug-related offenses; or

(3) Is under the age of eighteen (18) and does not have parental or guardian consent.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.