

HOUSE BILL 1576

By Ogles

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to victim impact statements.

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

SECTION 1. Tennessee Code Annotated, Section 40-28-503, is amended by deleting subdivisions (a)(2) – (4) and substituting instead the following:

(2) Instructions for attending and participating in parole and parole revocation hearings, including instructions for submitting a victim impact statement video;

(3) The limitations on attendance as set forth in § 40-28-502;

(4) Reasonable limitations on oral presentations and videos; and

SECTION 2. Tennessee Code Annotated, Section 40-28-504, is amended by deleting the section and substituting instead the following:

(a) The board shall receive and consider victim impact statements, including victim impact statement videos.

(b) Written victim impact statements and victim impact statement videos are confidential and must not be made available to the public.

(c) Assertions made in a victim impact statement may be investigated and verified by the board.

(d)

(1) The board shall create an application that a victim may use to electronically submit a victim impact statement video to be considered at an inmate's parole hearing or parole revocation. The application must allow the victim to submit a video of the victim presenting a victim impact statement as otherwise permitted by this part.

(2) The application must allow a victim to indicate whether the victim would like the victim impact statement video to be resubmitted to any future parole hearings involving the same inmate and offense. If the victim indicates that the video should be resubmitted to any future parole hearings, the board shall consider the video without further request from the victim. Prior to consideration at a subsequent parole hearing, the board shall notify the victim, in the same manner that notice is provided pursuant to § 40-28-505(b)(4), that the video will be considered unless the victim informs the board, in writing or using the application, that the victim no longer wishes to have the video considered. A victim may inform the board at any time, in writing or using the application, that the victim no longer wishes to have a previously submitted video considered by the board.

(3) Any victim impact statement video is subject to the board's policies established pursuant to § 40-28-503.

(e) As used in this section, "victim" includes both victims and victim representatives, as those terms are defined in § 40-38-203.

SECTION 3. For the purposes of developing the application required by this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.