

HOUSE BILL 1611

By Staples

AN ACT to amend Tennessee Code Annotated, Title 40
and Title 55, relative to citations.

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

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

(1) "Citation" means an order prepared as a written or electronic citation and issued by a peace officer on paper or on an electronic data device requiring a person accused of violating the law to appear in a designated court or government office at a specified date and time. The signature of the person to whom the order is issued is required, and the order must be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense;

SECTION 2. Tennessee Code Annotated, Section 40-7-118(e), is amended by deleting the subsection and substituting instead the following:

(1) In issuing a citation, the officer shall:

(A) Prepare a citation that includes the name and address of the cited person, the offense charged, and the time and place of appearance;

(B) Have the offender sign the citation. The officer shall deliver one (1) copy to the offender and retain the other; and

(C) Release the cited person from custody.

(2)

(A) An electronic signature may be used to sign a citation issued electronically and has the same force and effect as a written signature.

(B) Whenever a citation is issued electronically, the officer shall provide the cited person with a paper copy of the citation.

(C) Replicas of citation data sent by electronic transmission must be sent within three (3) days of the issuance of the citation to the court having jurisdiction over the alleged offense.

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

(n) The general assembly finds that the issuance of a citation in lieu of arrest of the suspected misdemeanor will result in cost savings and increased public safety by allowing the use of jail space for dangerous individuals or felons and by keeping officers on patrol. Accordingly, the general assembly encourages all law enforcement agencies to encourage their personnel to use misdemeanor citations when reasonable and according to law and to utilize those citations in cases where:

(1) The public will not be endangered by the continued freedom of the suspected misdemeanor; and

(2) The law enforcement officer has reasonable proof of the identity of the suspected misdemeanor.

(o)

(1) Each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation resulting in a conviction. Such fee shall be assessable as court costs and paid by the defendant for any offense cited in a citation delivered that results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes, and charges. One dollar (\$1.00) of such fee shall be retained by the court clerk. The remaining four dollars (\$4.00) of the fee shall be transmitted monthly by the court clerk to the law enforcement agency that prepared the citation that resulted in a plea of guilty or nolo contendere, or a judgment of guilty.

(2) All funds derived from the electronic citation fee that are transmitted to the law enforcement agency that prepared the citation pursuant to subdivision (o)(1) must be accounted for in a special revenue fund of such law enforcement agency and are authorized to be used only for the following purposes:

(A) Electronic citation system and program-related expenditures;

and

(B) Related expenditures by such local law enforcement agency for technology, equipment, repairs, replacement, and training to maintain electronic citation programs.

(3) All funds derived from the electronic citation fee set aside for court clerks pursuant to subdivision (o)(1) must be used for computer hardware purchases and usual and necessary computer-related expenses or replacement. Such funds must be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended.

(4) The local legislative body of any county or municipality may, by majority vote, adopt a resolution or ordinance to authorize a county or municipal court clerk to charge and collect electronic citation fees pursuant to this subsection (o). Any electronic citation fee imposed pursuant to an ordinance or resolution under this subdivision (o)(4) terminates five (5) years from the date on which the ordinance or resolution is adopted.

SECTION 4. Tennessee Code Annotated, Section 55-10-207(c)(1), is amended by deleting the language "The traffic citation delivered to the court shall be sworn to by the issuing officer before a magistrate or official lawfully assigned this duty by a magistrate." and is further amended by adding the following language at the end of the subdivision:

An electronic signature may be used to sign a citation issued electronically and has the same force and effect as a written signature.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.