

HOUSE BILL 8006 of the Second Extraordinary Session

By Ogles

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 8; Title 9; Title 29 and
Title 38, relative to governmental liability.

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

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 20, Part 2, is amended by adding the following language as a new section:

(a) A governmental entity shall not intentionally prohibit or prevent law enforcement or fire and rescue services from accessing a specifically bounded area within the governmental entity's jurisdiction during a public demonstration unless the services are replaced by like services provided by another governmental entity.

(b) A governmental entity violating subsection (a) may be held liable for damages, injury, or death proximately caused by the governmental entity intentionally prohibiting or preventing law enforcement or fire and rescue services from accessing a specifically bounded area within the governmental entity's jurisdiction during a public demonstration.

(c) As used in this section, "governmental entity" means a governing body, board, commission, committee, or department of a municipality, county, or other political subdivision of the state of Tennessee.

(d) This section does not apply to tactical decisions made by law enforcement or fire and rescue services personnel based on the risks to or safety of personnel.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.