



May 21, 2020

SUMMARY OF ORIGINAL BILL: Prohibits the introduction of evidence that was illegally obtained by interception or surveillance in a civil proceeding.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (017640): Deletes and replaces all language of the original bill such that the only substantive changes are requiring the court to determine whether the evidence sought to be introduced was obtained in an illegal manner and authorizing a court to allow evidence to be admitted in a proceeding involving child custody, if the court finds that the probative value of the evidence outweighs the danger of unfair prejudice and consideration of the evidence is in the best interest of the child.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Per the language of this legislation, an “illegal manner” means a manner that is in violation of a statute or the common law.
- Pursuant to Tenn. Code Ann. § 39-13-601(a), it is an offense to intentionally intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication or to intentionally use, endeavor to use, or procure any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when the device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication or the device transmits communications by radio, or interferes with the transmission of the communication.
- Prohibiting the introduction of evidence that was illegally obtained in a civil proceeding, with the exception of certain instances in child custody proceedings, will not have a significant fiscal impact on state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg