House Criminal Justice Subcommittee Am. #1

Amendment No._____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1150 **House Bill No. 286***

by deleting subdivision (a)(3) in the amendatory language of Section 1 and substituting instead the following:

(3)

(A) "Vehicle" means any motor vehicle, trailer, or semitrailer; and

(B) "Vehicle" does not include a vehicle that is being towed by a towing firm:

(i) With the express written authorization of a law enforcement officer with appropriate jurisdiction, provided the authorization form contains the information required by § 66-19-103(d); or

(ii) With the express written authorization of the owner, or owner's agent, of the vehicle provided the authorization form contains the information required by § 66-19-103(d), and the person operating the tow truck did not know or have reason to know that the vehicle being towed had a compartment that contained contraband or evidence of prior storage, concealment, or transportation of contraband.

House Criminal Justice Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1039 House Bill No. 277*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) After completion of an investigation into an officer-involved shooting death by the Tennessee bureau of investigation and after the completion of the prosecutorial function by the district attorney general, notwithstanding § 10-7-504 to the contrary, the investigative record of the incident shall become a public record pursuant to title 10, chapter 7. Notwithstanding § 10-7-504, the district attorney general may disclose all or part of the investigative record to the public prior to the record becoming a public record as provided in this section.

(b) For purposes of this section, "officer-involved shooting death" means a death that results from a shooting by a law enforcement officer that occurs while the officer is on-duty or is off-duty while performing activities that are within the scope of the law enforcement officer's duties.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to officer-involved shooting deaths occurring on or after that date.

House Criminal Justice Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1120 House Bill No. 760*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-7-118, is amended by adding the following as a new subsection:

( ) Each local law enforcement agency shall adopt a policy to ensure the issuance of a citation in lieu of arrest, in compliance with subdivision (b)(1), except as otherwise provided in subsection (c), for a misdemeanor violation of simple possession of a controlled substance, as prohibited by § 39-17-418.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

House Criminal Justice Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 1104 House Bill No. 855*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-14-107(b), is amended by adding the following as a new, appropriately designated subdivision:

(5) The salary increase provided by subdivision (b)(1), and suspended by subdivision (b)(4) for the period July 1, 2003, through June 30, 2004, shall be reinstated effective July 1, 2017. For purposes of determining the appropriate salary classification for assistant district public defenders, credible service for the time period of July 1, 2003, through June 30, 2004, shall be included. Funding for the reinstated service period shall be provided from existing budget funds of the district public defenders conference.

SECTION 2. Tennessee Code Annotated, Section 8-14-107(c), is amended by adding the following as a new, appropriately designated subdivision:

(6) The salary increase provided by subdivision (c)(1), and suspended by subdivision (c)(5) for the period July 1, 2003, through June 30, 2004, shall be reinstated effective July 1, 2017. For purposes of determining the appropriate salary classification for district public defender investigators, credible service for the time period of July 1, 2003, through June 30, 2004, shall be included. Funding for the reinstated service period shall be provided from existing budget funds of the district public defenders conference.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.

House Criminal Justice Subcommittee Am. #1

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Amendment No. _____

_____
Signature of Sponsor

AMEND Senate Bill No. 551* **House Bill No. 605**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-514, is amended by deleting subdivisions (b)(1), (b)(2), and (b)(3) in their entireties and substituting instead the following:

(b)

(1) Patronizing prostitution is a Class A misdemeanor.

(2) Patronizing prostitution within one and one-half (1.5) miles of a school shall, in addition to any other authorized punishment, be punished by no less than seven (7) days of incarceration and by a fine of not less than one thousand dollars ($1,000).

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

House Criminal Justice Subcommittee Am. #1

Amendment No._____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1137 House Bill No. 99*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(j), is amended by deleting the subsection in its entirety and substituting the following:

A person who is ineligible for expunction of the person's records pursuant to subdivision (a)(1)(E) shall, upon petition by that person to the court having jurisdiction in the previous action, be entitled to removal of public records from electronic databases, as provided in this subsection (j), relating to the person's arrest, indictment, charging instrument, or disposition for any charges other than the offense for which the person was convicted. The public records shall be removed from the relevant electronic databases of the national crime information center system and similar state databases, and the person shall be entered into the Tennessee bureau of investigation's expunged criminal offender and pretrial diversion database with regard to the offenses removed pursuant to this subsection (j). The public records shall also be removed from any public electronic database maintained by a court clerk and may, at the discretion of the court clerk, be removed and destroyed from any other records maintained by the court clerk. Nothing in this subsection (j) shall require court clerks to expunge records relating to an offense for which the person was convicted. Court clerks shall not be liable for any errors or omissions relating to the removal and destruction of records under this section.

SECTION 2. Tennessee Code Annotated, Section 55-9-603(d), is amended by deleting the subsection and substituting instead the following language:

075119581

005338

(1) A violation of this section is a Class C misdemeanor. All proceeds from the fines imposed by this subsection (d), except as otherwise provided by subdivisions (d)(2) and (3), shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents.

(2)

(A) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of thirty dollars ($30.00) for a first violation, and fifty-five dollars ($55.00) for a second or subsequent violation to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) The revenue generated by fifteen dollars ($15.00) of the thirty-dollar fine in subdivision (d)(2)(A) for a person's first conviction shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars ($10.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars ($5.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(C) The revenue generated by thirty dollars ($30.00) of the fifty-five-dollar fine under subdivision (d)(2)(A) for a person's second or subsequent conviction shall be deposited in the state general fund without being designated for any specific purpose. Twenty dollars ($20.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be

deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars ($5.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(3)

(A) Notwithstanding subdivision (d)(2), a person charged with a violation of subsection (i) may, in lieu of appearance in court, submit a fine of thirty dollars ($30.00) to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) Notwithstanding subdivision (d)(2), the revenue generated by fifteen dollars ($15.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's first conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars ($10.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars ($5.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be retained by the court clerk.

(C) The revenue generated by five dollars ($5.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Twenty dollars ($20.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of

the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars ($5.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be retained by the court clerk.

SECTION 3. Tennessee Code Annotated, Section 55-9-603(e), is amended by deleting the language "No clerk's fee nor court costs" and substituting instead the language "Except as otherwise provided by subdivisions (d)(2) and (3), no clerk's fee nor court costs".

SECTION 4. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections shall take effect on July 1, 2017, the public welfare requiring it, and shall apply to offenses committed on or after such date.