

PUBLIC CHAPTER NO. 613**HOUSE BILL NO. 1257**

By Representatives Tindell, Montgomery, Ulysses Jones, Bone, Hensley, Fincher, Sontany, Coley, Faulkner, Barker, Hackworth, Ty Cobb, Fraley, Carr, Eldridge, Hardaway, Towns, Pruitt, Bass, Moore, Curt Cobb, Shaw, McDonald, McManus, Pitts, Gilmore, Cooper, Windle, Lundberg, Harrison, Todd, Dunn, Maggart, Haynes, Yokley, Litz, Weaver, McCormick, Lynn, Lollar, Halford, Niceley, Coleman, Rich, Shepard, Maddox, Armstrong, Hawk, Dean, Kevin Brooks, Phillip Johnson, Curtis Johnson, Camper and Mr. Speaker Williams

Substituted for: Senate Bill No. 1529

By Senators Burchett, Finney, Burks, Black, Yager, Harper, Marrero, Woodson, Ketron, Overbey, Barnes, Burks, Johnson

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 17, Part 1, relative to child exploitation.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, as amended by adding the following as a new section:

§ 40-17-125.

(a) In any investigation relating to the offenses of sexual exploitation of a minor, as defined in § 39-17-1003, aggravated sexual exploitation of a minor, as defined in § 39-17-1004, or especially aggravated exploitation of a minor, as defined in § 39-17-1005, and upon reasonable cause to believe that an internet service account has been used in the exploitation or attempted exploitation of a minor, the district attorney general or an assistant district attorney general, may issue in writing and cause to be served a subpoena requiring the production and testimony described in subsection (b).

(b) Except as provided in subsection (c), a subpoena issued under this section is authorized to require the production of any records or other documentation relevant to the investigation including:

(1) Name;

(2) Address;

(3) Local and long distance telephone connection records, or records of session times and durations;

(4) Length of service (including start date) and types of service utilized;

(5) Telephone or instrument number or other subscriber number of identity, including any temporarily assigned network address; and

(6) Means and source of payment for such service (including any credit card or bank account number)

(c) The provider of electronic communication service or remote computing service shall not disclose the following pursuant to a subpoena but may only do so pursuant to a warrant issued by a court of competent jurisdiction:

(1) In-transit electronic communications;

(2) Account memberships related to internet groups, newsgroups, mailing lists or specific areas of interest;

(3) Account passwords; and

(4) Account content to include:

(A) Electronic mail in any form;

(B) Address books, contact lists, or buddy lists;

(C) Financial records;

(D) Internet proxy content or internet history;

(E) Files or other digital documents stored within the account or pursuant to use of the account.

(d) At any time before the return date specified on the subpoena, the person summoned may, in the general sessions court of the county in which the person resides or does business, petition for an order modifying or quashing the subpoena, or a prohibition of disclosure by a court.

(e) A subpoena under this section shall describe the objects required to be produced and shall prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

(f) If no case or proceeding arises from the production of records or other documentation pursuant to this section within a reasonable time after those records or documentation are produced, the district attorney general shall either destroy the records and documentation or return them to the person who produced them.

(g) A subpoena issued under this section may be served by any person who is authorized to serve process under the Tennessee rules of civil procedure and such subpoena shall be served in accordance with such rules.

(h) Each district attorney general shall annually report the following information to the judiciary committees of the senate and house of representatives no later than February 1 for the preceding calendar year:

(1) The number of requests for administrative subpoenas made under this section;

(2) The number of administrative subpoenas issued under this section;

(3) The number of administrative subpoenas issued under this section that were contested;

(4) The number of administrative subpoenas issued under this section that were quashed or modified;

(5) The number of search warrants that were issued as a consequence of the issuance of an administrative subpoena under this section; and

(6) The number of individuals who were prosecuted under § 39-17-1003, § 39-17-1004, and § 39-17-1005 following the issuance of an administrative subpoena under this section.

(i) Except as provided in subsection (h) of this section any information, records or data reported or obtained pursuant to a subpoena issued pursuant to this section shall remain confidential and shall not be further disclosed unless in connection with a criminal case related to the subpoenaed materials.

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

PASSED: February 1, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of February 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 617

SENATE BILL NO. 2570

By Faulk

Substituted for: House Bill No. 3265

By Phillip Johnson, Shepart, Halford, Hardaway, Bass, Pitts, Yokley, Dean,
Lundberg, Fincher,
Kevin Brooks, Hensley, Casada, Weaver, Shipley, Sargent, McCormick, Moore,
Harry Brooks, Brown, Eldridge, Favors, Gilmore

AN ACT to amend Tennessee Code Annotated, Section 56-7-1107, relative to accident prevention courses for motor vehicle operators who are over 55 years of age.

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

SECTION 1. Tennessee Code Annotated, Section 56-7-1107(a), is amended by adding the following language immediately following the existing language:

For purposes of this section, "self-instructed course" shall not include an online course that is approved by the commissioner pursuant to subsection (c).

SECTION 2. Tennessee Code Annotated, Section 56-7-1107, is further amended by adding the following language between the words "classroom instruction" and the period "." at the conclusion of the first sentence of subsection (c):

or an online course that is approved by the commissioner

SECTION 3. Tennessee Code Annotated, Section 56-7-1107, is further amended by adding the following language between the words "accident prevention course" and the period "." at the conclusion of the second sentence of subsection (f):

and certification of an online motor vehicle accident prevention course

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: February 22, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 2nd day of March 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 621

HOUSE BILL NO. 770

By Representatives Mike Turner, Maggart, Swafford, White, Todd

Substituted for: Senate Bill No. 842

By Senators Jackson, Crowe

AN ACT to amend Tennessee Code Annotated, Title 39 and Section 70-4-123, relative to handguns.


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

SECTION 1. Tennessee Code Annotated, Section 70-4-123(a), is amended by deleting the punctuation "." and by substituting instead the following new language:

; provided, that persons authorized to carry a handgun pursuant to § 39-17-1351 may carry a handgun as defined in § 39-11-106(a) while hunting big game with a bow and arrow during the archery-only deer season.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: February 24, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 2nd day of March 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 629

HOUSE BILL NO. 2376

**By Representatives Shepard, Roach, Ford, Campfield, Bell, Lollar,
McCormick, Moore, Montgomery, Weaver, Rich, Evans, Carr, Dean, Bass**

Substituted for: Senate Bill No. 2334

By Senator Jackson

AN ACT to amend Tennessee Code Annotated, Section 39-17-1317, relative to confiscated weapons.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1317(b), is amended by deleting the language ", destroyed,".

SECTION 2. Tennessee Code Annotated, Section 39-17-1317(c)(2), is amended by the subdivision in its entirety and by substituting instead the following:

(2) The proceeds from the sale shall go into the county or municipal general fund and shall be allocated solely for law enforcement purposes;

SECTION 3. Tennessee Code Annotated, Section 39-17-1317(e), is amended by deleting the subsection in its entirety.

SECTION 4. Tennessee Code Annotated, Section 39-17-1317(f)(2), is amended by deleting the words "or destroyed".

SECTION 5. Tennessee Code Annotated, Section 39-17-1317(g), is amended by deleting the words "or destroyed".

SECTION 6. Tennessee Code Annotated, Section 39-17-1317(g), is further amended by deleting the words "or destruction" wherever such words sequentially appear.

SECTION 7. Tennessee Code Annotated, Section 39-17-1317(g)(3), is amended by deleting the subdivision in its entirety.

SECTION 8. Tennessee Code Annotated, Section 39-17-1317(h), is amended by deleting the language ", destroyed".

SECTION 9. Tennessee Code Annotated, Section 39-17-1317(h)(1), is amended by deleting the language ", destroyed".

SECTION 10. Tennessee Code Annotated, Section 39-17-1317(i), is amended by deleting the language "law enforcement purposes, sold or destroyed" and by substituting instead the following:

law enforcement purposes or sold

SECTION 11. Tennessee Code Annotated, Section 39-17-1317, is amended by adding the following new subsection to be designated as (j) and by reentering accordingly:

(j) Notwithstanding the provisions of this section, if the chief of police, sheriff, commissioner of safety, or director of the Tennessee bureau of investigation, depending upon who confiscated the weapon, certifies to the court that a weapon is inoperable or unsafe, the court shall order the weapon destroyed or recycled.

SECTION 12. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: February 22, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 3rd day of March 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 631

HOUSE BILL NO. 414

By Representatives Windle, Campfield, Ty Cobb, Faulkner

Substituted for: Senate Bill No. 565

By Senator Yager

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to inmate relations coordinators permitted to carry firearms.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d) For purposes of this section, "law enforcement officer" means a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state, or a full-time police officer who has been certified by the peace officer standards and training commission, a vested inmate relations coordinator employed by the department of correction, or a vested correctional officer employed by the department of correction.

SECTION 2. Tennessee Code Annotated, Section 39-17-1350, is further amended by deleting subsection (f) in its entirety and substituting instead the following:

(f) (1) The secretary of state shall, in consultation with the commissioner of correction, design and issue to each requesting inmate relations coordinator or correctional officer who is vested and employed by the department of correction, a state identification card certifying that the inmate relations coordinator or correctional officer is authorized to carry a firearm pursuant to this section.

(2) Any inmate relations coordinator or correctional officer desiring an identification card shall notify the secretary of state and shall provide the inmate relations coordinator's or correctional officer's full name and residential address. Upon receipt of the request, the secretary of state shall notify the commissioner of correction of the request. The commissioner of correction shall verify to the secretary of state whether the requesting inmate relations coordinator or correctional officer is vested and employed by the department of correction and shall so certify in a letter to be maintained by the secretary.

(3) If the secretary of state receives certification that a requesting inmate relations coordinator or correctional officer is vested and employed by the department, the secretary shall issue the inmate relations coordinator or correctional officer an identification card so certifying. The card shall be valid for

as long as the inmate relations coordinator or correctional officer remains vested and in the employment of the department of correction.

(4) An inmate relations coordinator or correctional officer issued a card pursuant to this subsection (f) shall carry the card at all times the inmate relations coordinator or correctional officer is carrying a firearm. The card shall be sufficient proof that the inmate relations coordinator or correctional officer is authorized to carry a firearm pursuant to this section.

(5) If a vested inmate relations coordinator or correctional officer employed by the department resigns, is terminated, or is otherwise no longer employed by the department, the commissioner shall, within ten (10) days, so notify the secretary of state. Upon receiving the notice, the secretary of state shall revoke the identification card and send a letter of revocation to the inmate relations coordinator or correctional officer at the coordinator's or officer's last known address.

(6)

(A) A person who is no longer a vested inmate relations coordinator or correctional officer employed by the department of correction but who still has an identification card issued by the secretary of state shall have ten (10) days from receipt of the letter of revocation from the secretary of state to return the card to the secretary.

(B) It is a Class C misdemeanor punishable by fine only of fifty dollars (\$50.00) for a person to knowingly fail to return an identification card as required by subdivision (f)(6)(A).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 1, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of March 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 640

SENATE BILL NO. 3057

By Woodson, Crowe, Black

Substituted for: House Bill No. 3131

By Harry Brooks, Todd, Evans

AN ACT to amend Tennessee Code Annotated, Section 55-8-110, relative to rules of the road.

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

SECTION 1. Tennessee Code Annotated, Section 55-8-110, is amended by adding a new subsection thereto, as follows:

(d) Notwithstanding any law to the contrary, the rider of a bicycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the bicycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation of § 55-8-109 that the rider of a bicycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the bicycle when the signal did not utilize a vehicle detection device or that the device was not in fact inoperative due to the size of the bicycle.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: March 1, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of March 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 663**HOUSE BILL NO. 2581****By Representatives Odom, Hardaway**

Substituted for: Senate Bill No. 2561

By Senators Henry, Southerland, Black, Marrero

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 11, relative to controlled substances.

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

SECTION 1. Tennessee Code Annotated, Section 53-11-309, is amended by deleting the section in its entirety and substituting the following:

(a) Any physician, dentist, optometrist, podiatrist, veterinarian, advanced practice nurse with a certificate of fitness issued under title 63, chapter 7, or physician assistant (hereinafter referred to collectively as "health care providers") who has actual knowledge that a person has knowingly, willfully and with intent to deceive, obtained or attempted to obtain controlled substances in the manner prohibited by § 53-11-402(a)(6) shall cause a report to be submitted regarding such activity within five (5) business days of obtaining such knowledge. The report should be submitted to the local law enforcement agency where the health care provider is located or, where one exists, to a judicial district or multi-judicial district drug task force. The controlled substance database advisory committee established by § 53-10-303 shall develop a form by no later than August 1, 2010 that health care providers may choose to use to make reports. The department of health shall make the form available on its website.

(b) Any physician or advanced practice nurse with a certificate of fitness issued under title 63, chapter 7, or physician assistant who has actual knowledge that a person has knowingly, willfully and with the intent to deceive, obtained or attempted to obtain controlled substances in the manner prohibited by § 53-11-402(a)(6) and who is providing treatment to a person with a mental illness as defined in § 33-1-101 may, but is not required to, report as provided for under § 53-11-309(a).

(c) If the health care provider's actual knowledge of conduct prohibited by § 53-11-402(a)(6) is a result of the health care provider accessing the information available in the controlled substance database established in § 53-10-304, then notwithstanding the confidentiality provisions in § 53-10-306, the local law enforcement agency or, where one exists, to a judicial district or multi-judicial district drug task force may receive from the health care provider only the pertinent information from the database for the thirty (30) days prior to the date of treatment leading to the alleged offense which ostensibly demonstrates non-compliance with § 53-11-402(a)(6). A report with information from the database

not exceeding thirty (30) days prior to the date of treatment made under this provision to local law enforcement or, where one exists, to a judicial district or multi-judicial district drug task force is sufficient grounds for the production of complete or more detailed controlled substance database information for purposes of a criminal investigation or pending prosecution pursuant to the procedures established by § 53-10-306(b).

(d) A health care provider, or any person under the direction of the health care provider or any entity that assumes the responsibility of reporting for the provider who furnishes any information in good faith is immune from liability if a complaint, report, information, or record is furnished to a law enforcement agency.

(e) This section shall not apply in the case of a person who, on the date of treatment by the health care provider, is enrolled in or covered by TennCare.

SECTION 2. Tennessee Code Annotated, Section 53-11-401(a) (3), is amended by deleting the semi-colon at the end of the clause and substituting the following:


, except sanctions against a health care provider for the provider's failure to make a report required by § 53-11-309 (a) shall be limited only to cases involving a pattern of willful failure to make such reports and, in those instances, the health care provider shall only be subject to a civil penalty assessed by the provider's licensing board.

SECTION 3. Tennessee Code Annotated, Section 53-11-401(b)(1), is amended by adding the following at the end of the sentence:

Provided, however, a healthcare provider who fails to make a report required by § 53-11-309 shall not be guilty of a felony and shall be punishable only by the sanctions set forth in § 53-11-401(a)(3).

SECTION 4. This act shall be effective immediately upon passage, the public welfare requiring it.

PASSED: March 15, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of March 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 699

HOUSE BILL NO. 2457

By Representative Lynn

Substituted for: Senate Bill No. 2468

By Senators Watson, Bunch, Overbey

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29 and Title 38, Chapter 6, relative to the Tennessee bureau of investigation.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting subdivision (51) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding a new subdivision thereto, as follows:

() Tennessee bureau of investigation, created by § 38-6-101;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 22, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 31st day of March 2010



PHIL BREDESEN, GOVERNOR