

PUBLIC CHAPTER NO. 703

HOUSE BILL NO. 2769

By Representatives Rich, Hardaway, Brown, Favors

Substituted for: Senate Bill No. 2860

By Senator Faulk

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 7; Title 38, Chapter 8 and Title 55, Chapter 8, relative to the admissibility in evidence of the results of certain equipment.

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by adding the following as a new section:

§ 24-7-124.

In any judicial or administrative proceeding in which the results of a radar, laser or similar device used to measure the speed of a motor vehicle are being introduced for the purpose of proving the speed of the motor vehicle or the conduct of the driver of the vehicle, such results shall not be admissible for such purposes unless the law enforcement officer operating the device has been trained pursuant to guidelines established by the National Highway Traffic Safety Administration or the Tennessee Peace Officer Standards and Training (POST) Commission.

In any judicial or administrative proceeding in which the results of a breathalyzer or similar device used to measure the alcohol content in a person's blood are being introduced for the purpose of proving the alcohol content in a person's blood or the intoxication of such person, such results shall not be admissible for such purposes unless the law enforcement officer operating the device has been trained by a recognized organization in the field as qualified to operate the device used.

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

PASSED: March 17, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 31st day of March 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 729

SENATE BILL NO. 3859

By Kyle, Tate, Marrero, Burks

Substituted for: House Bill No. 3844

By Miller, Mike Turner

AN ACT to amend Tennessee Code Annotated, Section 62-35-130, relative to private protective services.

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

SECTION 1. Tennessee Code Annotated, Section 62-35-130, is amended by adding the following language as a new subsection (e):

(e) Whenever an armed or unarmed security guard/officer pleads guilty or is convicted of any offense enumerated in this chapter, the licensee must within thirty (30) days notify the commissioner of that conviction and provide the commissioner with certified copies of the conviction. The licensee's license shall automatically be revoked thirty (30) days after the licensee's conviction unless the licensee makes a written request to the commissioner for a hearing during the thirty-day period. Following any such hearing held pursuant to this section, the commissioner may impose upon that licensee any sanction or discipline permitted by this chapter.

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

PASSED: March 29, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of April 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 733**HOUSE BILL NO. 2941**

By Representatives Hackworth, John DeBerry, Eldridge, Kevin Brooks, Stewart, Ramsey, Maddox, Gilmore, Pitts, Bone, Sherry Jones, McDonald, Sontany, Mumpower, Lundberg, Shipley, Ford, Hawk, Shepard, Coleman, Fincher, Dunn, Niceley, Winningham, Swafford, Yokley, Harry Brooks, Ferguson, Hardaway, Cooper, Ty Cobb, Mike Turner, Pruitt, Faulkner, Coley, Litz, Favors, Brown, Lollar, Montgomery, Miller, Towns, Bass, Haynes, Hensley, Rich, Fitzhugh, Lois DeBerry, Camper, Johnnie Turner, Richardson, Ulysses Jones, Barker, White, Moore and Mr. Speaker Williams

Substituted for: Senate Bill No. 2903

By Senators McNally, Southerland, Haynes, Johnson, Burchett, Burks, Overbey, Woodson, Yager, Norris, Black, Barnes, Beavers, Berke, Bunch, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Jackson, Kelsey, Ketron, Kyle, Marrero, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey

AN ACT to amend Tennessee Code Annotated, Section 38-6-121, relative to certain missing citizens.

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

SECTION 1. Tennessee Code Annotated 38-6-121, is amended by deleting the section in its entirety and by substituting instead the following:

§ 38-6-121.

(a) The general assembly finds that in the case of a missing citizen who has wandered due to dementia or physical impairment, the first few hours are critical in finding the citizen. To aid in the identification and location of missing citizens, there is created the missing senior citizen alert program. This program shall be coordinated by local law enforcement agencies which may choose to seek the assistance of nonprofit organizations such as A Child is Missing or the Alzheimer's Association. Local law enforcement agencies are encouraged to develop area-specific protocols for implementation of this program.

(b) For the purpose of this section, "missing citizen" means a person:

(1) Whose whereabouts are unknown;

(2) Whose age at the time the person is first reported missing is sixty (60) years of age or older and who has an

impaired mental condition as determined by a local law enforcement agency; and

(3) Who is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance; or

(4) A person of any age who suffers from a documented case of dementia, whose whereabouts are unknown, and who is believed to be in danger because of the dementia or physical impairment, and is believed to be unable to return to safety without assistance.

(c)

(1) When a local law enforcement agency receives notice that a citizen with a condition described in subsection (b) (1)-(3) is missing and has received a caregiver's statement verifying the condition of the missing citizen, or, when the local law enforcement agency receives notice that a citizen with a condition described in subsection (b)(4) is missing and has received medical documentation of that citizen's dementia or physical impairment, the agency is urged to begin an investigation immediately.

(2) Local law enforcement shall enter the report of the missing citizen with an impaired mental condition or physical impairment into the national crime information center (NCIC) within four (4) hours of the completion of the verification process.

(3) The alert shall be sent to media outlets in this state at the discretion of the local law enforcement agency. Media outlets shall be strongly encouraged to publicize the information provided in order to promote the safe recovery of the missing citizen. When the alert is sent to media outlets, it shall contain all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing citizen and a statement instructing anyone with information related to the missing citizen to contact their local law enforcement agency. The alert shall contain all appropriate, descriptive information available, including, but not limited to, the location last seen, vehicle information, clothing worn, and photo, if available, that may assist in the safe recovery of the endangered missing person.

(4) Additional local resources that can be utilized, including, but not limited to, reserve units, emergency service units, air support, K-9 units, or automated phone dialer capabilities, shall be identified and maintained as part of the local law enforcement agency's program. Local law enforcement agencies are strongly encouraged to collaborate with surrounding

law enforcement agencies to identify additional resources available that will help aid in the safe recovery of endangered missing persons. Local law enforcement agencies may choose to seek the assistance of nonprofit organizations including, but not limited to, A Child is Missing, the Alzheimer's Association, or the Center for Human Identification.

(5) The alert shall be cancelled by the local law enforcement agency upon notification that the missing citizen has been found, including cancellation of the missing person entry into NCIC.

(6) Nothing contained in this section is intended to deter a law enforcement agency from seeking to find any missing individual as set out by its own policies and procedures.

(d) The Tennessee bureau of investigation, the Tennessee Sheriffs' Association and the Tennessee Association of Chiefs of Police are encouraged to educate law enforcement as to the requirements of the missing senior citizen alert program by methods including, but not limited to: newsletters, press releases, media relations, access to TBI's current media list and educational instruction through the Tennessee Law Enforcement Training Academy.

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

PASSED: March 24, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 9th day of April 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 750

SENATE BILL NO. 2988

By Barnes, Finney

Substituted for: House Bill No. 3263

By Phillip Johnson, Fincher, Maggart, Hardaway, Dean, Pitts, McManus

AN ACT to amend Tennessee Code Annotated, Section 40-39-211, relative to certain persons on school grounds.

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

SECTION 1. Tennessee Code Annotated, Section 40-39-211, is amended by deleting subdivision (d)(2) in its entirety and substituting instead the following:

(2) Subdivision (d)(1) shall not apply when the offender:

(A) Is a student in attendance at the school;

(B) Is attending a conference with school, day care, child care, park, playground or recreation center officials as a parent or legal guardian of a child who is enrolled in the school, day care center, other child care center or of a child who is a participant at the park, playground or recreation center and has received written permission or a request from the school's principal or the facility's administrator;

(C) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(D) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian who has provided written notice of the parent's offender status to the school's principal or a school administrator upon enrollment.

SECTION 2. Tennessee Code Annotated, Section 40-39-211(g), is amended by adding the following as a new subdivision:

(4) A violation of this part due solely to a lack of the written permission required pursuant to subdivision (d)(2) shall be punishable by fine only.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: March 29, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of April 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 753

SENATE BILL NO. 3435

By Tracy, Ketron, Crowe

Substituted for: House Bill No. 3911

By Rich, Evans

AN ACT to amend Tennessee Code Annotated, Section 4-7-110, relative to the highway patrol.

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

SECTION 1. Tennessee Code Annotated, Section 4-7-110(a)(5), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)(5) Notwithstanding any provision of this subsection to the contrary, any commissioned member, who retires after twenty (20) years of honorable service and who has retired as a result of either disability or meeting the mandatory retirement age as provided in Title 8, Chapter 36, shall be issued a retired commission card and shall be authorized to retain such member's service weapon and badge in recognition of such member's many years of good and faithful service. The badge, however, shall be permanently marked to indicate the retired status of the member. This subsection (a)(5) shall only apply to members retiring on or after January 1, 2006.

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

PASSED: March 29, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of April 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 754

HOUSE BILL NO. 2690

By Representative Coleman

Substituted for: Senate Bill No. 2966

By Senator Beavers

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 14, relative to appointment of counsel for indigent criminal defendants.

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

SECTION 1. Tennessee Code Annotated Section 40-14-202, is amended by deleting subsection (f) in its entirety and replacing it with the following:

The clerk of the court shall collect all moneys paid by an accused pursuant to this section. When the accused fails to comply with the orders of the court, the clerk shall notify the court of the accused's failure to comply. At the conclusion of the proceedings in the trial court, the court shall order the clerk to pay to the Administrative Office of the Courts any funds that the clerk collected from the accused. The clerk of the court shall receive a commission of five percent (5%) of the moneys collected for the clerk's services in collecting, handling and making payment pursuant to the order of the court; provided, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission shall be ten percent (10%).

SECTION 2. Tennessee Code Annotated Section 40-14-202, is amended by deleting subsection (g) in its entirety and substituting instead the following:

(g) If a defendant has been ordered to pay all or a portion of the accused's representation pursuant to subsection (d), and if the Administrative Office of the Courts receives funds paid pursuant to subsection (f) that are greater than the total amount which appointed counsel has claimed and has been reimbursed pursuant to Supreme Court Rule 13, then any such excess funds shall be paid to the appointed attorney.

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

PASSED: March 29, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 13th day of April 2010



PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 779

SENATE BILL NO. 3407

**By Burchett, Beavers, Ketron, Black, Overbey, Burks, Johnson, Tracy,
Yager**

Substituted for: House Bill No. 3523

By Harwell, Odom

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, Part 1, relative to covered file-sharing programs.

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

SECTION 1. Tennessee Code Annotated, Section 47-18-103, is amended by adding the following as a new, appropriately designated subdivision:

() "Covered file-sharing program" means a computer program, application, or software that enables the computer on which such program, application, or software is installed to designate files as available for searching by and copying to one (1) or more other computers, to transmit such designated files directly to one (1) or more other computers, and to request the transmission of such designated files directly from one (1) or more other computers. "Covered file-sharing program" does not mean a program, application, or software designed primarily to operate as a server that is accessible over the Internet using the Internet domain name system, to transmit or receive email messages, instant messaging, real-time audio or video communications, or real-time voice communications, or to provide network or computer security, network management, hosting and backup services, maintenance, diagnostics, technical support or repair, or to detect or prevent fraudulent activities;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

(46)(A) Installing, offering to install, or making available for installation, reinstallation or update a covered file-sharing program onto a computer without being an authorized user of that computer or without first providing clear and conspicuous notice to the authorized user of the computer that the files on that computer will be made available to the public, obtaining consent of the authorized user to installation of the program, and requiring affirmative steps by the authorized user to activate any feature on the program that will make files on that computer available to the public; or

(B) Preventing reasonable efforts to disable or remove, or to block the installation or execution of, a covered file-sharing program on a computer.

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

PASSED: April 5, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16th day of April 2010



PHIL BREDESEN, GOVERNOR