

**PUBLIC CHAPTER NO. 805**

**SENATE BILL NO. 2827**

**By Ford, Yager**

Substituted for: House Bill No. 2915

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 41, relative to a study of certain nonviolent offenders.

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

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 21, is amended by adding the following as a new, appropriately designated section:

§ 41-21-\_\_\_\_. The comptroller of the treasury is urged to study county jails throughout the state concerning the number of nonviolent offenders incarcerated in county correctional institutions who have been incarcerated for offenses for which they have not been convicted. The general assembly requests that, if any such study is undertaken, the comptroller of the treasury report to the Select Oversight Committee on Corrections concerning the study on or before February 15, 2011.

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

**PASSED: April 8, 2010**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 20th day of April 2010**



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PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 812**

**HOUSE BILL NO. 2705**

**By Representative Rich**

Substituted for: Senate Bill No. 2713

By Senator Gresham

AN ACT to name a bridge on U.S. Highway 64 in Fayette County in honor of Chief Kenny Feathers, former Chief of the Somerville Police Department.

WHEREAS, from time to time, the members of this General Assembly have seen fit to name certain highways and bridges to honor those exemplary public servants who have contributed significantly to the growth and prosperity of their respective communities; and

WHEREAS, no Tennessean is more deserving of this honor than Chief Kenny Feathers, who devoted his career to protecting and serving the good people of Somerville as their Chief of Police, in which vital role he distinguished himself as an exemplary leader of high moral standards; and

WHEREAS, this General Assembly desires to name a certain bridge on U.S. Highway 64 in Fayette County to honor Chief Feathers' meritorious service to law enforcement; now, therefore,

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

SECTION 1. Notwithstanding any provision of law to the contrary, the bridge spanning Bennett's Creek on U.S. Highway 64 at the eastern corporate limits of the City of Somerville in Fayette County is hereby designated the "Chief Kenny Feathers Bridge" as a lasting tribute to an excellent law enforcement officer and even more accomplished human being.

SECTION 2. The department of transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in Section 1 as the "Chief Kenny Feathers Bridge".

SECTION 3. The erection of such signs shall be within the guidelines prescribed by the *Manual on Uniform Traffic Control Devices*.

SECTION 4. This act shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5. This act shall become operative only if the cost of the manufacture and installation of such signs is paid to the department of transportation by Fayette

County within one (1) year of the effective date of this act. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Fayette County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department by Fayette County within thirty (30) days of the county receiving an itemized invoice of the actual cost from the department.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 8, 2010**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 20th day of April 2010**

  
PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 813**

**HOUSE BILL NO. 2913**

**By Representative Cooper**

Substituted for: Senate Bill No. 2825

By Senator Ford

AN ACT to amend Tennessee Code Annotated, Title 41, relative to nonviolent offenders age 65 and older.

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

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 21, is amended by adding the following as a new, appropriately designated section:

§ 41-21-\_\_\_\_. The commissioner of correction is urged to study the characteristics of inmates incarcerated in correctional institutions of the department who are nonviolent offenders and age sixty-five (65) and older. The general assembly requests that, if any such study is undertaken, the commissioner report to the select oversight committee on corrections on or before February 15, 2011. If the select oversight committee on corrections is no longer in existence on that date, then the commissioner shall report to the house and senate state and local government committees. The report shall determine the number of such inmates, where they are located, and the funds spent on such inmates, including, but not limited to, housing and medical expenses.

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

**PASSED: April 8, 2010**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 20th day of April 2010**



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PHIL BREDESEN, GOVERNOR

PUBLIC CHAPTER NO. 816

HOUSE BILL NO. 3913

By Representatives Lundberg, Hardaway, Shipley

Substituted for: Senate Bill No. 3540

By Senators Ketron, Marrero

AN ACT to amend Tennessee Code Annotated, Section 39-14-202, relative to cruelty to animals.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-202(g), is amended by adding the following sentence as a new, appropriately designated subdivision:

(3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor.

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

**PASSED: April 12, 2010**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 20th day of April 2010**



PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 824**

**SENATE BILL NO. 2859**

**By Faulk**

Substituted for: House Bill No. 2863

By Swafford, Mike Turner

AN ACT to amend Tennessee Code Annotated, Title 3, relative to review of fiscal note statements.

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

SECTION 1. Tennessee Code Annotated, Section 3-2-107, is amended by adding the following as a new subsection:

(c)(1) Within sixty (60) days after the conclusion of each annual regular legislative session, the fiscal review committee staff shall select a fair and representative sample of at least five (5) public chapters enacted within the preceding five (5) years and compare the actual fiscal impact of each public chapter to the fiscal impact as stated in the cumulative fiscal note.

(2) Upon completing the review, the fiscal review committee staff shall present the results of this review to the fiscal review committee at a meeting of the committee. The committee may also invite testimony from other witnesses, including representatives of executive departments and agencies affected by the bill. A written summary of the results of such review shall be provided to each member of the general assembly each year.

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

**PASSED: April 15, 2010**



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of April 2010



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PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 833**

**HOUSE BILL NO. 3022**

**By Representatives Sherry Jones, Moore, Gilmore, Pruitt, Sontany, Odom,  
West, Stewart, Harwell, Mike Turner, Brown, Favors, Hardaway**

Substituted for: Senate Bill No. 2867

By Senator Marrero

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 22, Part 1 and Title 33, relative to mental health.

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

SECTION 1. Tennessee Code Annotated, Section 16-22-104, is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Drug courts provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services;

SECTION 2. Tennessee Code Annotated, Section 16-22-106, is amended by deleting subdivision (3) in its entirety and by substituting the following:

(3) Fund substance abuse treatment, mental health and other direct services for drug court treatment participants;

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

**PASSED: April 12, 2010**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 27th day of April 2010**



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PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 853**

**SENATE BILL NO. 3277**

**By Burchett, Ford**

Substituted for: House Bill No. 3641

By Todd, Ulysses Jones

AN ACT to amend Tennessee Code Annotated, Section 68-104-211, relative to public displays of fireworks.

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

SECTION 1. Tennessee Code Annotated, Section 68-104-211(a), is amended by:

(1) Deleting the language "fire and police departments" in the first sentence of subdivision (a)(4) and by substituting instead the language "fire department";

(2) Deleting the language "chief supervisory law enforcement and fire department officials" in the second and third sentences of subdivision (a)(4) and by substituting instead the language "chief supervisory fire department officials"; and

(3) Deleting the language "law enforcement or" in the fifth sentence of subdivision (a)(4).

SECTION 2. Tennessee Code Annotated, Section 68-104-211(a)(4), is amended by adding the following language following the first sentence:

At the time the application for a permit is filed for a public display to be held within the limits of a municipality, the permittee shall send a written notification to the chief supervisory official of the police department of the municipality stating the date, time and location of the public display.

SECTION 3. Tennessee Code Annotated, Section 68-104-211(a)(4), is further amended by adding the following language following the second sentence:

At the time the application for a permit is filed for a public display to be held within the limits of the county but outside the limits of a municipality, the permittee shall send a written notification to the chief supervisory law enforcement official of the county stating the date, time and location of the public display.

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

PASSED: April 15, 2010



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of April 2010



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PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 856**

**SENATE BILL NO. 3583**

**By Ketron, Black, Burks**

Substituted for: House Bill No. 3161

By Curtiss, Dunn

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 10, Part 13, relative to special education.

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

SECTION 1. Tennessee Code Annotated, Section 49-10-1304(b)(3), is amended by deleting subdivision (C) in its entirety and by substituting instead the following language:

(C) A school resource officer (SRO), as defined by § 49-6-4202(6), may, upon witnessing an offense, take the student into custody.

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

**PASSED: April 15, 2010**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 30th day of April 2010**



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PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 861**

**HOUSE BILL NO. 2626**

**By Representatives Lollar, Fincher, Rich, Maggart**

Substituted for: Senate Bill No. 3314

By Senators Kelsey, Burks, Black

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to criminal procedure and sentencing.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-106, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 2. Tennessee Code Annotated, Section 40-35-107, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 3. Tennessee Code Annotated, Section 40-35-108, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 4. Tennessee Code Annotated, Section 40-35-207, is amended by deleting subdivision (a)(4) and substituting instead the following:

(4) The defendant's record of prior convictions, including any juvenile court findings or adjudications that the defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult;

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to all defendants committing offenses on or after such date.

**PASSED: April 15, 2010**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 30th day of April 2010**

  
PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 867**

**HOUSE BILL NO. 3281**

**By Representatives Coleman, Maggart, Rich, Bass, Lundberg, Sontany,  
Matheny, Watson, Todd, Shipley, Fincher, Hardaway**

Substituted for: Senate Bill No. 3346

By Senators Kyle, Burks

AN ACT to amend Tennessee Code Annotated, Title 40, relative to bail.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118(a), is amended by adding the following at the end of the existing language:

If the defendant has one or more prior convictions for § 55-10-401, § 39-13-106 or § 39-13-213(a)(2), the defendant shall not be released unless the court first determines he or she is not a danger to the community. The court may consider the use of monitoring devices to eliminate danger to the community including, but not limited to:

- (1) Ignition Interlock devices;
- (2) Transdermal monitoring devices or other alternative alcohol monitoring devices;
- (3) Electronic monitoring with random alcohol or drug testing; or
- (4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 2. Tennessee Code Annotated, Section 40-11-148, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:


(b) If a defendant has been admitted to and released on bail for a violation of § 55-10-401, § 39- 13-106 or § 39-13-213(a)(2) and commits any of those crimes after release, he or she shall be considered a danger to the community. He or she shall not be released with another bail unless the court first determines he or she is no longer a danger to the community. The court may consider the use of monitoring devices to eliminate the danger posed including, but not limited to:

- (1) Ignition Interlock devices;

- (2) Transdermal monitoring devices or other alternative alcohol monitoring devices;
- (3) Electronic monitoring with random alcohol or drug testing; or
- (4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 3. This act shall take effect January 1, 2011, the public welfare requiring it.

**PASSED: April 15, 2010**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 30th day of April 2010**

  
PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 882**

**SENATE BILL NO. 3715**

**By Haynes, Ford**

Substituted for: House Bill No. 3383

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 44, Chapter 17, Part 1, relative to petitioning for the death of dogs causing death or serious bodily injury to another.

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

SECTION 1. Tennessee Code Annotated, Section 44-17-120, is amended by deleting the section in its entirety and substituting instead the following:

(a) Any dog that attacks a human and causes death or serious bodily injury may be destroyed upon the order of the judge of the circuit court of the county wherein the attack occurred. Such orders shall be granted on the petition of the district attorney general for the county. The petition shall name the owner of the dog, and the owner shall be given notice in accordance with Rule 4.01 of the Tennessee rules of civil procedure, that if the owner does not appear before the court within five (5) days of the receipt thereof and show cause why the dog should not be destroyed, then the order shall issue and the dog shall be destroyed.

(b) Notwithstanding subsection (a), in counties having a population in excess of eight hundred thousand (800,000), or having a metropolitan form of government and a population in excess of one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census, a municipality or county is authorized to adopt local ordinances authorizing the municipality or the county to appropriately petition in a general sessions court to provide for the disposition of dangerous dogs or dogs causing death or serious bodily injury to humans or other animals.

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

**PASSED: April 29, 2010**



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of May 2010



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PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 885**

**SENATE BILL NO. 2391**

**By Jackson, Gresham, Faulk, Black, Bunch, Tracy, Yager, Norris, Beavers;  
Mr. Speaker Ramsey; Johnson**

Substituted for: House Bill No. 3240

By McCord, Niceley, Roach, Ford, Harrison, Curtis Johnson; Mr. Speaker Williams; Lynn, Maggart, Weaver, Ty Cobb, Winningham, Montgomery, Hawk, Maddox, Carr, Hensley, Rich, Halford, Eldridge, Hill, Bass, Ferguson, Matheny, Yokley, Miller, Phillip Johnson, White, Floyd, Haynes, Towns, Todd, Faulkner, Evans

AN ACT to amend Tennessee Code Annotated, Title 58, Chapter 2, Part 1, relative to certain emergency management powers.

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

SECTION 1. Tennessee Code Annotated, Section 58-2-107, is amended by deleting subdivisions (e)(4) and (e)(8) in their entireties and substituting instead the following language:

(4) Subject to any applicable requirements for compensation, commandeered or utilize any private property, which term shall not be construed to include firearms, ammunition, or firearm or ammunition components, if the governor finds this necessary to cope with the emergency;

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, or combustibles, which terms shall not be construed to include firearms, ammunition, or firearm or ammunition components;

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

**PASSED: April 22, 2010**



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RON RAMSEY  
SPEAKER OF THE SENATE



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KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 10th day of May 2010



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PHIL BREDESEN, GOVERNOR

**PUBLIC CHAPTER NO. 895**

**HOUSE BILL NO. 1665**

**By Representatives Todd, Rich, Eldridge, Maggart, Lynn, Hardaway, Ty Cobb, Faulkner, Evans, Dean, Harry Brooks, Montgomery, McDaniel, Harrison, Niceley, Sargent, Haynes, Hensley, Hill, Halford, Lundberg, Roach, Curtis Johnson, Ford, Watson, Campfield**

Substituted for: Senate Bill No. 1912

By Senators Norris, Black

AN ACT to amend Tennessee Code Annotated, Section 39-17-1350, relative to law enforcement officers.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1350(d), is amended by deleting the language "department of correction." and by substituting instead the following language:

department of correction, or a commissioned reserve deputy sheriff as authorized in writing by the sheriff, or a commissioned reserve or auxiliary police officer as authorized in writing by the chief of police.

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

**PASSED: April 22, 2010**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 10th day of May 2010**



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PHIL BREDESEN, GOVERNOR