

(iv) The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of the question on the ballot.

(v) A majority vote of those voting in the election shall determine whether the office of constable shall be abolished. If the question is approved the office of constable shall be abolished as provided in the resolution. If the question is not approved at the election, a successive referendum on such issue shall not be held for a period of two (2) calendar years.

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

PASSED: June 12, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of June 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 556

SENATE BILL NO. 162

By Ketron, Beavers, Johnson

Substituted for: House Bill No. 506

By Todd, Lynn

AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 4 and Title 8, relative to regulation of governmental ethics.

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

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new Chapter 54:

§ 4-54-101.

(a)(1) There is created, as an independent entity of state government, the Bureau of Ethics and Campaign Finance, referred to in this chapter as the "bureau".

(2) The bureau shall be composed of two (2) divisions as follows:

(A) The Tennessee registry of election finance, established by Title 2, Chapter 10, Part 2; and

(B) The Tennessee Ethics Commission, established by Title 3, Chapter 6, Part 1.

(3) The bureau shall be governed by a board of directors to be composed of the six (6) members of the registry of election finance and the six (6) members of the ethics commission.

(b) The Bureau of Ethics and Campaign Finance shall be attached to the Department of State for all administrative matters relating to receipts, disbursements, expense accounts, budget, audit, and other related items. The autonomy of the bureau and its authority is absolute and the secretary of state shall have no administrative or supervisory control over the bureau.

(c) The board of directors shall elect a chair from among its membership. The chair shall serve in that capacity for one (1) year and shall be eligible for reelection. The chair shall preside at all meetings and shall have all the powers and privileges of the other members.

(d) Eight (8) members of the board of directors shall constitute a quorum and eight (8) affirmative votes are required for any action by the board of directors. Special meetings shall be called by the chair on the chair's initiative or upon the written request of eight (8) members. Members shall receive written notice three (3) days in advance of a special meeting. Notice shall be served personally or left at a member's usual place of residence and shall specify the purpose, time and place of the meeting. No matters unrelated to the specified purpose may be considered without a specific waiver by all members of the board of directors.

§ 4-54-102.

(a) The board of directors of the Bureau of Ethics and Campaign Finance shall appoint a full-time executive director who shall serve at the pleasure of the board of directors. Other employees of the bureau shall be employed on recommendation of the executive director with the approval of the board. The executive director and all other employees of the bureau shall constitute the staff of the bureau and its two (2) divisions. The board of directors of the bureau may call on the office of the state coordinator of elections for such advice, documents or services as it may require.

(b) Employees of the bureau shall not possess civil service status, but such employees shall be subject to personnel policies applicable to state employees generally, such as leave, compensation, classification and travel requests.

(c) Neither the executive director nor any other employee of the bureau, nor any member of an employee's immediate family as defined in § 3-6-301, shall, during the period of such employment:

(1) Be allowed to hold or qualify for elective office to any state or local public office as defined in § 2-10-102;

(2) Be an officer of any political party or political committee;

(3) Permit such employee's name to be used or make contributions in support of or in opposition to any candidate or proposition; except that an employee's immediate family may make campaign contributions in support of or in opposition to any candidate or proposition;

(4) Participate in any way in any election campaign;

(5) Lobby or employ a lobbyist; provided, that this subdivision (c)(5) shall not prohibit the executive director from the performance of the executive director's duties; or

(6) Be employed by any elected officeholder, either in an official capacity or as an individual, or be employed by any business in which an elected officeholder has any direct input concerning employment decisions.

§ 4-54-103. The Bureau of Ethics and Campaign Finance shall:

(1) Promulgate such rules and regulations, pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, as are necessary to implement the provisions of Title 2, Chapter 10; Title 3, Chapter 6; Title 8, Chapter 17; and Title 8, Chapter 50, Part 5; provided, however, that all rules that relate exclusively to the registry of election finance shall be initiated and proposed to the board of directors of the bureau by a majority of the members of the registry of election finance and all rules that relate exclusively to the ethics commission shall be initiated and proposed to the board of directors of the bureau by a majority of the members of the ethics commission. Subject to the limitations contained in this subdivision (1), all rulemaking authority delegated by this chapter shall be vested in the Bureau of Ethics and Campaign Finance;

(2) Collect or receive all filings required to be made pursuant to Title 2, Chapter 10; Title 3, Chapter 6; Title 8, Chapter 17; or Title 8, Chapter 50, Part 5, and assign the issues contained therein, as appropriate, to the registry of election finance or the ethics commission, and further collect all fees, fines and monies assessed by the registry of election finance or the ethics commission; and

(3) Promulgate rules prescribing all forms for filings, complaints, registrations, statements and other documents that are required to be filed under the laws administered and enforced by the ethics commission or the registry of election finance, with the objective of making the documents as simple and understandable as possible for both the person filing the document and the average citizen of this state.

§ 4-54-104. All fees imposed by the registry of election finance and the ethics commission and collected by the Bureau of Ethics and Campaign Finance, as well as all appropriations made to the bureau, shall be deposited by the state treasurer in a separate account exclusively for the bureau, and shall be used by the bureau to defray expenses necessary to administer the provisions of this part; Title 2, Chapter 10; Title 3, Chapter 6; Title 8, Chapter 17; and Title 8, Chapter 50, Part 5, including the payment of salaries to employees, the purchase of supplies, and any other necessary expenses. Unexpended and unobligated fees remaining in this account at the end of any fiscal year shall not revert to the general fund, but shall remain available for use by the bureau. Penalties collected by the bureau shall be deposited into the state general fund.

§ 4-54-105.

(a) Except as provided in this chapter specifically to the contrary, the members of the registry of election finance shall exercise regulatory

jurisdiction over matters relating exclusively to the registry pursuant to Title 2, Chapter 10, free from interference by members of the ethics commission.

(b) Except as provided in this chapter specifically to the contrary, the members of the ethics commission shall exercise regulatory jurisdiction over matters relating exclusively to the ethics commission pursuant to Title 2, Chapter 10, Part 1; Title 3, Chapter 6; Title 8, Chapter 17; and Title 8, Chapter 50, Part 5, free from interference by members of the registry of election finance.

SECTION 2. Tennessee Code Annotated, Section 2-10-107(a)(2)(A)(ii), is amended by deleting the last sentence and by substituting instead the following language:

Further definitions and guidelines, if any, for what is also considered "best efforts" shall be set by rule promulgated pursuant to § 4-54-103(1).

SECTION 3. Tennessee Code Annotated, Section 2-10-107(c)(1)(B)(ii), is amended by deleting the last sentence and by substituting instead the following language:

Further definitions and guidelines, if any, for what is also considered "best efforts" shall be set by rule promulgated pursuant to § 4-54-103(1).

SECTION 4. Tennessee Code Annotated, Section 2-10-107(c)(2), is amended by adding the following language at the end of the subdivision:

Any changes or revisions to such rules shall be promulgated pursuant to § 4-54-103(1).

SECTION 5. Tennessee Code Annotated, Section 2-10-111(b), is amended by adding the following language at the end of the subsection:

Any changes or revisions to such rules shall be promulgated pursuant to § 4-54-103(1).

SECTION 6. Tennessee Code Annotated, Section 2-10-121, is amended by deleting the section in its entirety and by substituting instead the following language:

No later than January 31 of each year, each multicandidate political campaign committee registered with the registry of election finance shall pay a registration fee to be determined by rule promulgated pursuant to § 4-54-103(1). For any multicandidate political campaign committee registering a new committee during any year, the committee shall pay the appropriate registration fee at the time that it certifies its political treasurer. All fees collected under this section shall be retained and used for expenses related to maintaining an electronic filing system. This section shall not apply to any statewide political party as defined in § 2-1-104 or subsidiaries of the political party.

SECTION 7. Tennessee Code Annotated, Section 2-10-203(a), is amended by designating the first two sentences of subsection (a) as subdivision (a)(1) and by designating the remainder of the subsection as subdivision (a)(2).

SECTION 8. Tennessee Code Annotated, Section 2-10-203(a)(1), is amended by deleting the first sentence in its entirety and by substituting instead the following language:

There is created as a division of the Bureau of Ethics and Campaign Finance, as provided in Title 4, Chapter 54, a Tennessee registry of election finance.

SECTION 9. Tennessee Code Annotated, Section 2-10-203(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The members of the registry of election finance shall also serve as members of the board of directors of the Bureau of Ethics and Campaign Finance.

SECTION 10. Tennessee Code Annotated, Section 2-10-204, is amended by deleting the section in its entirety.

SECTION 11. Tennessee Code Annotated, Section 2-10-207, is amended by deleting subdivision (1) in its entirety.

SECTION 12. Tennessee Code Annotated, Section 3-6-103, is amended by designating the first two sentences of subsection (a) as subdivision (a)(1) and by designating the remainder of the subsection as subdivision (a)(2).

SECTION 13. Tennessee Code Annotated, Section 3-6-103(a)(1), is amended by deleting the first sentence in its entirety and by substituting instead the following language:

There is created as a division of the Bureau of Ethics and Campaign Finance, as provided in Title 4, Chapter 54, a Tennessee Ethics Commission.

SECTION 14. Tennessee Code Annotated, Section 3-6-103(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The members of the ethics commission shall also serve as members of the board of directors of the Bureau of Ethics and Campaign Finance.

SECTION 15. Tennessee Code Annotated, Section 3-6-104, is amended by deleting the section in its entirety.

SECTION 16. Tennessee Code Annotated, Sections 3-6-105(a), (c) and (d) and 3-6-115(a)(1), are amended by deleting the citation "§§ 2-10-122 – 2-10-129" and by substituting instead the citation "§§ 2-10-115, and 2-10-122 – 2-10-130".

SECTION 17. Tennessee Code Annotated, Section 3-6-106(a)(2), is amended by deleting subdivision (2) in its entirety.

SECTION 18. Tennessee Code Annotated, Section 3-6-107, is amended by deleting subdivision (1) in its entirety.

SECTION 19. Tennessee Code Annotated, Section 3-6-111, is amended by deleting the section in its entirety.

SECTION 20. Tennessee Code Annotated, Title 3, Chapter 6, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 3-6-210.

(a) Except as provided in subdivision (b)(1), §§ 3-6-201 through 3-6-203 shall only apply to a complaint alleging a violation of this chapter.

(b)(1) The commission has the authority to investigate any alleged violation of Title 8, Chapter 50, Part 5, upon a sworn complaint by a citizen of Tennessee that meets the requirements of § 3-6-201(b) or upon its own motion. The commission shall only have the power to assess a civil penalty after notice and opportunity for hearing.

(2) A petition filed pursuant to § 3-6-205(a)(1)(B) or (a)(2)(B) may be considered as a contested case under the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 21. Tennessee Code Annotated, Section 3-6-302(d), is amended by deleting the language "By rule, the ethics commission shall authorize a lobbying firm to file" and by substituting instead the language "A lobbying firm shall be authorized, by rule promulgated pursuant to § 4-54-103(1), to file".

SECTION 22. Tennessee Code Annotated, Section 3-6-302(e), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(e) Registration fees for employers of lobbyists and registration fees for lobbyists shall be established by rule, promulgated pursuant to § 4-54-103(1). The registration fee shall be paid not later than thirty (30) days following submission of a registration statement or amendment through which an employer reports a lobbyist or additional lobbyist or through which a lobbyist reports an employer or additional employer.

SECTION 23. Tennessee Code Annotated, Section 3-6-305(b)(8), is amended by deleting the language "By rule, the commission may authorize the filing of a consolidated report," and by substituting instead the language "The filing of a consolidated report may be authorized by rule, promulgated pursuant to § 4-54-103(1)".

SECTION 24. Tennessee Code Annotated, Section 3-6-308(a), is amended by deleting subdivision (9) in its entirety.

SECTION 25. Tennessee Code Annotated, Section 8-50-505, is amended by deleting the section in its entirety and by substituting instead the following:

8-50-505.

(a) The ethics commission has the jurisdiction to administer and enforce the provisions of this part concerning disclosure statements of conflicts of interest. This enforcement power includes the full range of powers and penalties and procedures established in Title 3, Chapter 6.

(b) It is the intent of the general assembly that the sanctions provided in this section are the civil penalties enacted into law by § 3-6-205.

SECTION 26. Tennessee Code Annotated, Section 4-29-229(a), is amended by deleting subdivision (82) in its entirety.

SECTION 27. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting subdivision (54) in its entirety.

SECTION 28. Tennessee Code Annotated, Section 4-29-232(a), is amended by adding the following language as a new, appropriately designated subdivision:

() Bureau of Ethics and Campaign Finance, created by § 4-54-101;

SECTION 29. It is the intent of the general assembly that:

(1) The current members of the registry of election finance and the ethics commission shall remain members of each respective entity and shall comprise the Bureau of Ethics and Campaign Finance created by this act until the expiration of their terms or resignation;

(2) The executive director of the registry of election finance upon the effective date of this act shall be the initial executive director of the Bureau of Ethics and Campaign Finance;

(3)(A) From July 1, 2009 through and including August 10, 2009, the Bureau of Ethics and Campaign Finance is authorized to undertake actions necessary on behalf of the Tennessee Ethics Commission and the Tennessee registry of election finance to effectuate the transition of such entities into divisions of the bureau.

(B) Staff positions of the Tennessee Ethics Commission as of June 30, 2009, shall be transferred to the Bureau of Ethics and Campaign Finance through and including August 10, 2009; provided, however, that the Bureau of Ethics and Campaign Finance shall reclassify the position of the executive director of the Tennessee Ethics Commission. With the approval of the bureau, the executive director of the bureau may reclassify or eliminate staff positions of the ethics commission after August 10, 2009, as the executive director deems necessary for the efficient and effective operations of the bureau. No vacant staff position within the bureau shall be filled from July 1, 2009 through August 10, 2009;

(4) All rules of the registry of election finance and the ethics commission in effect on the effective date of this act shall remain in full force and effect as rules of the Bureau of Ethics and Campaign Finance until modified or repealed; and

(5) The registry of election finance and ethics commission shall be audited in conjunction with the audit of the Bureau of Ethics and Campaign Finance by the comptroller of the treasury for purposes of Title 4, Chapter 29.

SECTION 30. Section 1 through Section 25 of this act shall take effect July 1, 2009, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 17, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of June 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 564

HOUSE BILL NO. 250

By Representatives Carr, Matheny, Shipley, Evans, Lynn, Maggart, Rich,
Weaver, Lollar, Hill

Substituted for: Senate Bill No. 38

By Senators Tracy, Ketron, Faulk, Yager, Bunch, Burks

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 4 and Title 57, relative to underage drinking and possession of alcoholic beverages and beer.

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

SECTION 1. Tennessee Code Annotated, Section 39-15-404(a), is amended by adding the following language as a new, appropriately designated subdivision:

(3)

(A) As used in this subdivision (a)(3), "underage adult" means a person who is at least eighteen (18) years of age but less than twenty-one (21) years of age.

(B) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on such property, provided the owner, occupant, or other person knows that at the time of the offense the person consuming is an underage adult.

(C) It is an affirmative defense to prosecution under subdivision (a)(3)(B) that the defendant acted upon a reasonably held belief that the underage adult was twenty-one (21) years of age or older.

(D) Subdivision (a)(3)(B) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by an underage adult as permitted by § 1-3-113(b)(2).

(E) Nothing in this subdivision (a)(3)(B) shall be construed, in any way whatsoever, to affect:

(i) Standards for imposing civil liability on social hosts pursuant to § 57-10-101;

(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage

the delinquency or unruly behavior of a child, as defined in § 37-1-102(b)(4); or

(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 16, 2009


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of July 2009


PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 565

HOUSE BILL NO. 472

By Representatives Curt Cobb, Gilmore

Substituted for: Senate Bill No. 1439

By Senators Haynes, Burchett, Tracy, Ketron, Yager, Burks

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 32, relative to fire and theft protection.

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 32, Part 3, is amended by adding a new section:

Section ____.

(a) A contract having an automatic renewal clause between an alarm systems contractor and any homeowner or renter for the provision of alarm services may automatically be renewed for a period not to exceed one (1) year at a time. Any waiver of the renewal limitation period included in the contract shall be void as contrary to public policy.

(b) At any time during an automatic renewal period provided by contract in accordance with subsection (a), a party to such contract who is being relocated to a hospital, nursing home, or assisted living facility may cancel such contract by giving thirty (30) days' written notice to the alarms system contractor.

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

PASSED: June 16, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of July 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 567

HOUSE BILL NO. 703

By Representative Watson

Substituted for: Senate Bill No. 202

By Senator Bunch

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, relative to confidential records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subsection thereto:

(j)

(1) Information and records that are directly related to the security of any government building shall be maintained as confidential and shall not be open to public inspection. For purposes of this subsection (j), "government building" means any building that is owned, leased, or controlled, in whole or in part, by the state of Tennessee or any county, municipality, city or other political subdivision of the state of Tennessee. Such information and records include, but are not limited to:

(A) Information and records about alarm and security systems used at the government building including codes, passwords, wiring diagrams, plans and security procedures and protocols related to the security systems;

(B) Security plans, including security-related contingency planning and emergency response plans;

(C) Assessments of security vulnerability;

(D) Information and records that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and

(E) Surveillance recordings, whether recorded to audio or visual format, or both, except segments of such recordings may be made public when they include an act or incident involving public safety or security or possible criminal activity. In addition, if such recordings are relevant to a civil action or criminal

prosecution, then the recordings may be released in compliance with a subpoena or an order of a court of record in accordance with the Tennessee Rules of Civil or Criminal Procedure. The court or administrative judge having jurisdiction over the proceedings shall issue appropriate protective orders, when necessary, to ensure that the information is disclosed only to appropriate persons. Release of any segment or segments of such recordings shall not be construed as waiving the confidentiality of the remaining segments of the audio or visual tape.

(2) Information made confidential by this subsection (j) shall be redacted wherever possible and nothing in this subsection (j) shall be used to limit or deny access to otherwise public information because a file or document contains confidential information.

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

PASSED: June 17, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of July 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 571

HOUSE BILL NO. 1432

**By Representatives Sontany, Rich, Hensley, Sherry Jones, Moore, Ford,
Hardaway, Haynes, Maggart, Dean, Ty Cobb**

Substituted for: Senate Bill No. 1468

By Senators Haynes, Harper, Finney

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 3, relative to abatement of nuisances.

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

SECTION 1. Tennessee Code Annotated, Section 29-3-101(a)(2), is deleted in its entirety and replaced with the following:

(2) "Nuisance" means that which is declared to be such by other statutes, and, in addition thereto, means:

(A) Any place in or upon which lewdness, prostitution, promotion of prostitution, patronizing prostitution, unlawful sale of intoxicating liquors, unlawful sale of any regulated legend drug, narcotic or other controlled substance, unlawful gambling, any sale, exhibition or possession of any material determined to be obscene or pornographic with intent to exhibit, sell, deliver or distribute matter or materials in violation of §§ 39-17-901-39-17-908, § 39-17-911, § 39-17-914, § 39-17-918, or §§ 39-17-1003-39-17-1005, quarreling, drunkenness, fighting, breaches of the peace are carried on or permitted, and personal property, contents, furniture, fixtures, equipment and stock used in or in connection with the conducting and maintaining any such place for any such purpose; or

(B) A criminal gang, as defined by § 40-35-121(a)(1), which regularly engages in gang related conduct.

"Gang related conduct" occurs when one or more criminal gang member(s), as defined by § 40-35-121(a)(2), regularly engages in the following:

(i) Intimidating, harassing, threatening, stalking, provoking, or assaulting any person;

(ii) Possessing weapons prohibited under § 39-17-1302 and § 39-17-1307; knowingly remaining in the presence of anyone

who is in possession of such weapons; or knowingly remaining in the presence of such weapons;

(iii) Unlawfully damaging, defacing, or marking any public or private property of another, or possessing tools for the purpose of unlawfully damaging, defacing, or marking any public or private property of another;

(iv) Selling, possessing, manufacturing, or using any controlled substance or drug paraphernalia as defined in § 39-17-402; knowingly remaining in the presence of anyone selling, possessing, manufacturing, or using any controlled substance or drug paraphernalia; knowingly remaining in the presence of any controlled substance or drug paraphernalia; driving under the influence of any controlled substance in violation of § 55-10-401, or being under the influence of any controlled substance in public in violation of § 39-17-310;

(v) Using, consuming, possessing, or purchasing alcoholic beverages unlawfully, including, but not limited to, public intoxication in violation of § 39-17-310 or driving under the influence of alcohol in violation of § 55-10-401;

(vi) Criminal trespassing in violation of § 39-14-405;

(vii) Taking any action to recruit gang members or making any threats or promises to shoot, stab, strike, hit, assault, injure, disturb the peace, or destroy the personal property of anyone as an incentive to join a gang; or

(viii) Taking any action to stop a gang member from leaving a gang or making any threats or promises to shoot, stab, strike, hit, assault, injure, disturb the peace, or destroy the personal property of anyone as an incentive not to leave a gang;

(ix) Engaging in a criminal gang offense as defined by § 40-35-121(3);

(x) Disorderly conduct in violation of § 39-17-305; or

(xi) Contributing to or encouraging the delinquency or unruly behavior of a minor in violation of § 37-1-156.

SECTION 2. Tennessee Code Annotated, Section 29-3-110, is deleted in its entirety and replaced with the following:

(a) If, upon the trial, the existence of the nuisance be established under § 29-3-101(a)(2)(A), an order of abatement shall be entered as part of the judgment or decree of the court, which order shall direct the removal from the building or place where such nuisance exists or is maintained, of all means, appliances, fixtures, appurtenances, materials, supplies, and instrumentalities

used for the purpose of conducting, maintaining, or carrying on the unlawful business, occupation, game, practice or device constituting such nuisance; and shall direct the sale thereof, or such portion thereof as may be lawfully sold, upon such terms as the court may order, and the payment of the proceeds into court to be applied to costs or paid over to the owner, and the destruction of such portion thereof, if any, as cannot be lawfully sold within this state; and the judgment or decree shall perpetually enjoin the defendant from engaging in, conducting, continuing, or maintaining such nuisance, directly or indirectly, by the defendant or defendant's agents or representatives, and perpetually forbidding the owner of the building from permitting or suffering the same to be done in such building.

(b) If, upon the trial, the existence of the nuisance be established under § 29-3-101(a)(2)(B), an order of abatement shall be entered as part of the judgment or decree of the court, which order shall perpetually enjoin the defendant(s) from engaging in, conducting, or continuing such nuisance, directly or indirectly.

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

PASSED: June 17, 2009


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of July 2009


PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 578

HOUSE BILL NO. 2249

By Representatives Fincher, Mike Turner, Hardaway, Coley

Substituted for: Senate Bill No. 2236

By Senator Jackson

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 16; Title 33; Title 38; Title 39; Title 40; Title 49; Title 54; Title 55 and Title 65, relative to arrests and conviction records.

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

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 10, Part 2, is amended by adding the following new section thereto:

§ 16-10-213.

(a) For purposes of this section:

(1) "Adjudication as a mental defective or adjudicated as a mental defective" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:

(i) Is a danger to such person or to others;

or

(ii) Lacks the ability to contract or manage such person's own affairs due to mental defect;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to 50a and 72b of the Uniform Code of Military Justice, codified in 10 U.S.C. §§ 850a, 876b;

(2) "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or title 33, chapter 7;

(3) "Mental institution" means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by a licensed professional of mental retardation or mental illness, including but not limited to, a psychiatric ward in a general hospital; and

(4) "Treatment resource" means any public or private facility, service, or program providing treatment or rehabilitation services for mental illness or serious emotional disturbance, including, but not limited to, detoxification centers, hospitals, community mental health centers, clinics or programs, halfway houses, and rehabilitation centers.

(b) Those circuit courts and criminal courts wherein commitments to a mental institution are ordered pursuant to title 33, chapter 6 or title 33, chapter 7 or persons are adjudicated as mental defective shall enter a standing and continuing order instructing the clerk to collect and report January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010, information described in subsection (c) regarding individuals who have been adjudicated as a mental defective or judicially committed to a mental institution for the purposes of complying with the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(c) The following information shall be collected and reported to the federal bureau of investigation-NICS Index and the department of safety, pursuant to subsection (b):

(1) Complete name and all aliases of the individual judicially committed or adjudicated as a mental defective, including, but not limited to, any names that the individual may have had or currently has by reason of marriage or otherwise;

(2) Case or docket number of the judicial commitment or the adjudication as a mental defective;

(3) Date judicial commitment ordered or adjudication as a mental defective was made;

(4) Private or state hospital or treatment resource to which the individual was judicially committed; and

(5) Date of birth of the individual judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk.

(d) The information in subdivisions (c)(1) through (c)(5) above, the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to the provisions of such statutes or regulations, except for such

use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

SECTION 2. Tennessee Code Annotated, Title 16, Chapter 11, Part 2, is amended by adding the following new section thereto:

§ 16-11-206.

(a) For purposes of this section:

(1) "Adjudication as a mental defective or adjudicated as a mental defective" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:

(i) Is a danger to such person or to others;
or

(ii) Lacks the ability to contract or manage such person's own affairs due to mental defect;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to 50a and 72b of the Uniform Code of Military Justice, codified in 10 U.S.C. §§ 850a, 876b;

(2) "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or title 33, chapter 7;

(3) "Mental institution" means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by a licensed professional of mental retardation or mental illness, including but not limited to, a psychiatric ward in a general hospital; and

(4) "Treatment resource" means any public or private facility, service, or program providing treatment or rehabilitation services for mental illness or serious emotional disturbance, including, but not limited to, detoxification centers, hospitals, community mental health centers, clinics or programs, halfway houses, and rehabilitation centers.

(b) Those chancery courts wherein commitments to a mental institution are ordered pursuant to title 33, chapter 6 or title 33, chapter 7

or persons are adjudicated as a mental defective shall enter a standing and continuing order instructing the clerk to collect and report January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010, information described in subsection (c) regarding individuals who have been adjudicated as a mental defective or judicially committed to a mental institution for the purposes of complying with the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(c) The following information shall be collected and reported to the federal bureau of investigation-NICS Index and the department of safety, pursuant to subsection (b):

(1) Complete name and all aliases of the individual judicially committed or adjudicated as a mental defective, including, but not limited to, any names that the individual may have had or currently has by reason of marriage or otherwise;

(2) Case or docket number of the judicial commitment or the adjudication as a mental defective;

(3) Date judicial commitment ordered or adjudication as a mental defective was made;

(4) Private or state hospital or treatment resource to which the individual was judicially committed; and

(5) Date of birth of the individual judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk.

(d) The information in subdivisions (c)(1) through (c)(5) above, the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to the provisions of such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

SECTION 3. Tennessee Code Annotated, Section 16-15-303, is amended by adding the following new section thereto:

(g)

(1) For purposes of this subsection (g):

(A) "Adjudication as a mental defective or adjudicated as a mental defective" means:

(i) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:

(a) Is a danger to such person or to others;
or

(b) Lacks the ability to contract or manage such person's own affairs due to mental defect;

(ii) A finding of insanity by a court in a criminal proceeding; or

(iii) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to 50a and 72b of the Uniform Code of Military Justice, codified in 10 U.S.C. §§ 850a, 876b;

(B) "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or title 33, chapter 7;

(C) "Mental institution" means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by a licensed professional of mental retardation or mental illness, including but not limited to, a psychiatric ward in a general hospital;

(D) "Treatment resource" means any public or private facility, service, or program providing treatment or rehabilitation services for mental illness or serious emotional disturbance, including, but not limited to, detoxification centers, hospitals, community mental health centers, clinics or programs, halfway houses, and rehabilitation centers.

(2) In addition to the duties prescribed in this part, the clerks of the general sessions courts wherein commitments to a mental institution are ordered pursuant to title 33, chapter 6 or title 33, chapter 7 or persons are adjudicated as a mental defective shall collect and report January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010, information described in subsection (c) regarding individuals who have been adjudicated as a mental defective or judicially committed to a mental institution after a finding of probable cause pursuant to § 33-6-422 for the purposes of complying with the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(3) The following information shall be collected and reported to the federal bureau of investigation-NICS Index and the department of safety, pursuant to subdivision (g)(2):

(A) Complete name and all aliases of the individual judicially committed or adjudicated as a mental defective,

including, but not limited to, any names that the individual may have had or currently has by reason of marriage or otherwise;

(B) Case or docket number of the judicial commitment or the adjudication as a mental defective;

(C) Date judicial commitment ordered or adjudication as a mental defective was made;

(D) Private or state hospital or treatment resource to which the individual was judicially committed; and

(E) Date of birth of the individual judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk.

(4) The information in subdivisions (g)(3)(A) through (g)(3)(E) above, the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to the provisions of such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

SECTION 4. Tennessee Code Annotated, Title 16, Chapter 16, Part 1, is amended by adding the following new section thereto:

§ 16-16-120.

(a) For purposes of this section:

(1) "Adjudication as a mental defective or adjudicated as a mental defective" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:

(i) Is a danger to such person or to others;
or

(ii) Lacks the ability to contract or manage such person's own affairs due to mental defect;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to 50a and 72b of the Uniform Code of Military Justice, codified in 10 U.S.C. §§ 850a, 876b;

(2) "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or title 33, chapter 7;

(3) "Mental institution" means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by a licensed professional of mental retardation or mental illness, including but not limited to, a psychiatric ward in a general hospital;

(4) "Treatment resource" means any public or private facility, service, or program providing treatment or rehabilitation services for mental illness or serious emotional disturbance, including, but not limited to, detoxification centers, hospitals, community mental health centers, clinics or programs, halfway houses, and rehabilitation centers.

(b) Those county or probate courts wherein commitments to a mental institution are ordered pursuant to title 33, chapter 6 or title 33, chapter 7 or persons are adjudicated as a mental defective shall enter a standing and continuing order instructing the clerk to collect and report January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010, information described in subsection (c) regarding individuals who have been adjudicated as a mental defective or judicially committed to a mental institution for the purposes of complying with the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(c) The following information shall be collected and reported to the federal bureau of investigation-NICS Index and the department of safety, pursuant to subsection (b):

(1) Complete name and all aliases of the individual judicially committed or adjudicated as a mental defective, including, but not limited to, any names that the individual may have had or currently has by reason of marriage or otherwise;

(2) Case or docket number of the judicial commitment or the adjudication as a mental defective;

(3) Date judicial commitment ordered or adjudication as a mental defective was made;

(4) Private or state hospital or treatment resource to which the individual was judicially committed; and

(5) Date of birth of the individual judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk.

(d) The information in subdivisions (c)(1) through (c)(5) above, the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to the provisions of such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

SECTION 5. Tennessee Code Annotated, Section 33-3-115, is amended by deleting the section in its entirety and substituting instead the following:

§ 33-3-115.

(a) Any clerk of court that maintains records of an adjudication as a mental defective or a judicial commitment to a mental institution pursuant to chapter 6 or chapter 7 shall, in accordance with the procedures outlined in title 16, disclose the following information set out in subsection (b) solely for the purposes of complying with §§ 39-17-1316, 39-17-1351, 39-17-1352 and the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(b) The following information shall be collected and reported to the federal bureau of investigation-NICS Index, and the department of safety, pursuant to subsection (b):

(1) Complete name and all aliases of the individual judicially committed or adjudicated as a mental defective, including, but not limited to, any names that the individual may have had or currently has by reason of marriage or otherwise;

(2) Case or docket number of the judicial commitment or the adjudication as a mental defective;

(3) Date judicial commitment ordered or adjudication as a mental defective was made;

(4) Private or state hospital or treatment resource to which the individual was judicially committed; and

(5) Date of birth of the individual judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk.

(c) The information in subdivisions (b)(1) through (b)(5) above, the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to the provisions of such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

(d) For purposes of this section, the following definitions shall apply:

(1) "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or title 33, chapter 7;

(2) "Adjudication as a mental defective or adjudicated as a mental defective" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:

(i) Is a danger to such person or to others;
or

(ii) Lacks the ability to contract or manage such person's own affairs due to mental defect;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to 50a and 72b of the Uniform Code of Military Justice, codified in 10 U.S.C. §§ 850a, 876b;

SECTION 6. Tennessee Code Annotated, Title 33, Chapter 3, Part 1, is amended by adding the following new section thereto:

§ 33-3-116.

A violation of §§ 33-3-103 -- 33-3-115 is a Class C misdemeanor.

SECTION 7. Tennessee Code Annotated, Title 33, Chapter 6, Part 4, is amended by deleting the section in its entirety and substituting the following:

§ 33-6-413.

(a) The chief officer, upon admission of the person, shall notify the judge of the general sessions court where the hospital or treatment resource is located, by telephone or in person, and shall provide the information from the certificates of need and such other information as the court may desire, that is in the possession of the hospital or treatment resource, bearing on the condition of the person. If the general sessions court finds that there is probable cause to believe that the defendant is subject to admission to a hospital or treatment resource under § 33-6-403, the court may order the defendant admitted for not more than five (5) days from the date of the order, excluding Saturdays, Sundays, and

holidays, for emergency diagnosis, evaluation and treatment pending a probable cause hearing under § 33-6-422. If the court does not order the defendant admitted, the defendant shall be released.

(b) The court shall cause a notice containing the information described in this subsection (b) to be mailed to the defendant, the defendant's attorney, the chief officer of the hospital or treatment resource, and the parent, legal guardian, conservator, spouse or adult next of kin of the defendant. The notice shall contain the following information:

(1) The time and place of the probable cause hearing;

(2) The defendant's rights, including but not limited to, right to counsel, right to waive a hearing, right to confront and cross-examine witnesses, right to be protected from compelled self-incrimination;

(3) The status of the defendant if judicially committed, including but not limited to:

(A) The person's prohibition of purchasing a firearm under § 39-17-1316;

(B) The person's prohibition of obtaining a handgun carry permit under § 39-17-1351; and

(C) The suspension or revocation of a handgun carry permit under § 39-17-1352 once judicially committed to a hospital or treatment resource pursuant to this title;

(4) The person's right to appeal the prohibition against purchasing a firearm pursuant to § 39-17-1316; and

(5) The person's right to appeal the denial of a handgun carry permit pursuant to §§ 39-17-1352, 39-17-1353, and 39-17-1354.

SECTION 8. Tennessee Code Annotated, Section 39-17-1301, is amended by adding the following new appropriately designated subdivisions thereto:

() "Adjudication as a mental defective or adjudicated as a mental defective" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to mental defect;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to 10 U.S.C. §§ 850a, 876b;

() "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or title 33, chapter 7;

() "Mental institution" means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by a licensed professional of mental retardation or mental illness, including but not limited to, a psychiatric ward in a general hospital;

SECTION 9. Tennessee Code Annotated, Section 39-17-1316(a)(1), is amended by deleting the existing subdivision in its entirety and substituting instead the following:

(a)

(1) Any person appropriately licensed by the federal government may stock and sell firearms to persons desiring such; however, sales to persons who have been convicted of the offense of stalking, as prohibited by § 39-17-315, who are addicted to alcohol, who are ineligible to receive firearms under 18 U.S.C. § 922, or who have been judicially committed to a mental institution pursuant to title 33 or adjudicated as a mental defective are prohibited. For purposes of this subdivision (a)(1), the offense of violation of a protective order as prohibited by § 39-13-113 shall be considered a "misdemeanor crime of domestic violence" for purposes of 18 U.S.C. § 921.

SECTION 10. Tennessee Code Annotated, Section 39-17-1351(c)(12), is amended by deleting the subdivision in its entirety and substituting instead the following:

(12) That the applicant has not been adjudicated as a mental defective; has not been judicially committed to or hospitalized in a mental institution pursuant to title 33; has not had a court appoint a conservator for the applicant by reason of a mental defect; has not been judicially determined to be disabled by reason of mental illness, developmental disability or other mental incapacity; and has not, within seven (7) years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm, as defined in title 33, chapter 6, part 5, because of mental illness;

SECTION 11. Tennessee Code Annotated, Section 39-17-1351(i), is amended by deleting the subsection in its entirety and substituting instead the following:

(i) The department shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the

Tennessee and federal bureaus of investigation pursuant to subsection (h), from information received from the clerks of court regarding individuals adjudicated as a mental defective or judicially committed to a mental institution pursuant to title 33, or from other information that comes to the attention of the department, that the applicant does not meet the eligibility requirements of this section. The department shall not be required to confirm the applicant's eligibility for a permit beyond the information received from the Tennessee and federal bureaus of investigation, the clerks of court and the sheriffs, if any.

SECTION 12. Tennessee Code Annotated, Section 39-17-1352 (a), is amended by adding the following as a new subdivision:

(8) Has been judicially committed to a mental institution pursuant to title 33, chapter 6 or title 33, chapter 7 or has been adjudicated as a mental defective.

SECTION 13. This act shall take effect January 1, 2010, the public welfare requiring it.

PASSED: June 16, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of July 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 582

HOUSE BILL NO. 589

By Representatives Coleman, Fincher, Hardaway, Dean, Montgomery, Sargent, McDonald, Bass, Sontany, Todd, Maggart, Ty Cobb, Moore, Bone, Weaver, Haynes, Faulkner, Windle, McManus, Stewart, Yokley, McCormick, Lollar, Curtis Johnson, Watson, Hackworth, Ford, Evans, Harmon, Rich, Kevin Brooks, Coley, Roach, Hensley, Phillip Johnson, Fraley, Niceley and Mr. Speaker Williams

Substituted for: Senate Bill No. 781

By Senators Overbey, Woodson, Marrero, Burks, Yager, Black

AN ACT to amend Tennessee Code Annotated, Title 39, relative to criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-204(i)(7) is amended by inserting the following language immediately following the language "kidnapping," and before the word "aircraft":

aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child,

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 18, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 6th day of July 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 583

HOUSE BILL NO. 606

By Representatives John DeBerry, Fincher, Hardaway, Sontany, Kelsey, Yokley, Bass, Pitts, Watson, Montgomery, Harry Brooks, McManus, Harrison, Hensley, Barker, Hawk, Todd, Moore, Haynes, Faulkner, Ulysses Jones, Ty Cobb, Dean, Sargent, Ford, Stewart, Rich and Mr. Speaker Williams

Substituted for: Senate Bill No. 672

By Senators Norris, Overbey, Marrero, Burks, Black

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to criminal offenses and sentencing.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1324(i)(1), is amended by adding the following as subdivision (A) and renumbering the remaining subdivisions accordingly:

() Attempt to commit first degree murder, as defined in §§ 39-12-101 and 39-13-202;

SECTION 2. This act shall take effect January 1, 2009, the public welfare requiring it.

PASSED: June 18, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 6th day of July 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 595

HOUSE BILL NO. 644

By Representative Montgomery

Substituted for: Senate Bill No. 803

By Senator Overbey

AN ACT to amend Tennessee Code Annotated, Section 62-26-206, relative to private investigators.

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

SECTION 1. Tennessee Code Annotated, Section 62-26-206, is amended by designating the existing language as subsection (a), and by deleting the language "Each individual applicant" and substituting instead the language "On and after July 1, 2009, each individual applicant".

SECTION 2. Tennessee Code Annotated, Section 62-26-206, is amended by deleting the word "and" from the end of subdivision (5) and by deleting subdivision (6) in its entirety and substituting instead the following:

(6)

(A) Possess, or employ at least one (1) person who possesses at least two thousand (2,000) hours of compensated, verifiable, investigative experience satisfactory to the commission or has one (1) year of applicable, related experience or education in a related area of study approved by the commission; and

(B) Pass an examination to be administered at least twice annually by the commissioner, designed to measure knowledge and competence in the investigations company business.

SECTION 3. Tennessee Code Annotated, Section 62-26-206, is further amended by adding the following language as a new subsection (b):

(b) The provisions of subsection (a)(6)(A) shall not apply to any person who has been issued an investigations company license prior to the effective date of this act and such a license may continue to be renewed in accordance with the provisions of this part or any rules and regulations promulgated by the commission in effect prior to July 1, 2009.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 18, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 8th day of July 2009



PHIL BREDESEN, GOVERNOR

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 597

HOUSE BILL NO. 1120

By Representatives Haynes, Evans, Rich, Kevin Brooks, Weaver, Fincher, Hardaway, Roach, Ford, Niceley, Lundberg, Todd, Maggart, Phillip Johnson, Faulkner, Hill, Lynn, Sontany, Towns, McDonald, Pruitt, Lollar, Windle, Ferguson, McManus, Ty Cobb, Montgomery, Moore, Watson, Bass, Harrison, Sargent, Fraley, Hensley, Curtis Johnson, Pitts, Swafford, Coley, Eldridge, Curt Cobb, Fitzhugh

Substituted for: Senate Bill No. 511

By Senators Woodson, Burchett, Black, Haynes, Burks

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, Part 2, relative to sexual offenders.

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 subsection (d) and substituting instead the following:

(d)

(1) No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall knowingly:

(A) Be upon or remain on the premises of any building or grounds of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when the offender has reason to believe children under eighteen (18) years of age are present;

(B) Stand, sit idly, whether or not the offender is in a vehicle, or remain within one thousand feet (1,000') of the property line of, or any building owned or operated by, any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when children under eighteen (18) years of age are present, while not having a reason or relationship involving custody of or responsibility for a child or any other specific or legitimate reason for being there; or

(C) Be in any conveyance owned, leased or contracted by a school, licensed day care center, other child care facility, or

recreation center to transport students to or from school, day care, child care, or a recreation center or any related activity thereof when children under eighteen (18) years of age are present in the conveyance.

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

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

(B) Is attending a conference or other scheduled event with school, day care, child care, park, playground, or recreation center officials as a parent or legal guardian of a child who is enrolled and participating in the conference or other scheduled event of the school, day care center, other child care center, park, playground or recreation center;

(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.

(3) The exemption provided in subdivision (d)(2)(B) shall not apply if the victim of the offender's sexual offense or violent sexual offense was a minor at the time of the offense and the victim is enrolled in the school, day care center, recreation center or other child care center that is participating in the conference or other scheduled event.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 18, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 8th day of July 2009



PHIL BREDESEN, GOVERNOR