



Legislative Update 4.12.19

Mon 4/15/19 4:30pm - Senate Chamber, Senate Consent 2

8. **SB1134** **CRIMINAL LAW: Violations of TN Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act.** Adds Swann A. conviction of a new sexual offense as violation of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. Fiscal Note: (Dated March 3, 2019) NOT SIGNIFICANT
HB838 - L. Russell - 03/28/19 - House passed.

Mon 4/15/19 4:30pm - Senate Chamber, Senate Floor

4. **SB1324** **JUDICIARY: Defines a guardian for purposes of criminal injuries compensation.** Defines guardian for purposes of criminal injuries Bowling J. compensation. Broadly captioned. Amendment Summary: Senate Judiciary Committee, House Judiciary Committee amendment 1 (005135) redefines "guardian" or "legal guardian" as a person having the legal authority to provide for the care, supervision, and control of the minor child as established by a court order. Fiscal Note: (Dated February 22, 2019) Increase State Expenditures Exceeds \$36,000/Criminal Injuries and Compensation Fund
HB864 - J. Deberry Jr. - 04/11/19 - Set for House Finance, Ways & Means Subcommittee 04/17/19.
22. **SB446** **CRIMINAL LAW: Second Amendment Civil Rights Act of 2019.** Enacts the "Second Amendment Civil Rights Act of 2019," which Bell M. prohibits a government entity from enacting or enforcing ordinances, rules, regulations, or policies that prohibit the ownership, construction, or operation of privately owned or operated gun or sport shooting ranges. Confers private rights of action upon a person to challenge government regulation of gun or sport shooting ranges. Amendment Summary: Senate Judiciary Committee amendment 1, House amendment 1 (004269) requires that if a local government enforces any regulation of a privately owned or operated sport shooting ranges, the restrictions cannot be greater than those imposed to any range located within the same unit of local government and owned or operated by a government entity. Allows for a party to challenge any regulation of a sport shooting range that violates this provision. Fiscal Note: (Dated February 24, 2019) Increase Local Expenditures Exceeds \$10,000/One-Time/Permissive
HB187 - J. Reedy - 03/25/19 - House passed with amendment 1 (004269).

Mon 4/15/19 4:30pm - Senate Chamber, Senate Message

2. **SB472** **CRIMINAL LAW: Reporting of person judicially committed for mental illness to determine eligibility to purchase firearm.** Requires Haile F. clerks to report the race, sex, and social security number of a person judicially committed for mental illness to the FBI-NCIS index and department of safety to determine eligibility for person to purchase firearms. Requires such information to be confidential. Amendment Summary: House amendment 1 (005604) adds clarifying language specifying that changes applied in the bill for the General Sessions Courts applies to the Chancery Courts as well. Fiscal Note: (Dated February 19, 2019) NOT SIGNIFICANT
HB677 - J. Garrett - 04/08/19 - House passed with amendment 1 (005604).
4. **SB577** **CRIMINAL LAW: Expunction of multiple convictions resulting from being a victim of human trafficking.** Allows for a petitioner who Gardenhire T. has multiple, nonviolent convictions resulting from being a victim of human trafficking to be expunged by the court if deemed to be in the best interest of justice. If denied, there shall be no petition filed for at least two years. Amendment Summary: Senate amendment 1 (004246) deletes and replaces all language after the enacting clause such that the substantive changes are: (1) to specify that in order to file a petition, at least one of the human trafficking convictions to be expunged is required to be a prostitution conviction; (2) establish that such offenses for which the petitioner is requesting expunction are eligible for expunction, (3) establish that the offense to be expunged is required to occur on or after the date on which the petitioner became a victim of human trafficking, and (4) establish, upon filing a petition, the petitioner is required to remit a \$180 fee to the court clerk. House Judiciary Committee amendment 1 (006798) deletes and replaces all language after the enacting clause such that the substantive changes are: (1) to specify that in order to file a petition, at least one of the human trafficking convictions to be expunged is required to be a prostitution conviction; (2) specify that in order for a petitioner to be eligible for expunction of public records involving offenses related to a person's status as a victim of human trafficking, he or she must not have had public records expunged for such reason prior; (3) establish that such offenses for which the petitioner is requesting expunction are eligible for expunction under Tenn. Code. Ann. § 40-32-101(g); (4) establish that the offense to be expunged is required to occur on or after the date on which the petitioner became a victim of human trafficking; and (5) establish, upon filing a petition, the petitioner is required to remit a \$180 fee to the court clerk. Fiscal Note: (Dated March 15, 2019) NOT SIGNIFICANT
HB193 - M. Carter - 04/10/19 - House passed with amendment 1 (006798).

Mon 4/15/19 5:00pm - House Chamber, House Consent

The House will take up the following memorializing resolutions on consent: HR82-84, HJR453-457, SJR370, SJR372-392, SJR394-401.

2. **HB1479** **CRIMINAL LAW: TACIR report on study of GPS monitoring as condition of bail.** Extends the date before which the advisory commission on intergovernmental relations must submit a report on its study of global positioning monitoring as a condition of bail to the speakers and chairs of the judiciary committees of the legislative houses to February 1, 2020. Broadly captioned. **Fiscal Note:** (Dated February 20, 2019) NOT SIGNIFICANT
Hardaway G.
SB1313 - S. Kyle - 03/25/19 - Senate passed.

Mon 4/15/19 5:00pm - House Chamber, House Floor

17. **HB674** **FAMILY LAW: Revises stepparent visitation rights.** Declares that in the event a stepparent or former petitions for visitation with the stepchild or former stepchild, the court shall set a hearing for visitation if a parent of custodian opposes the visitation, by the circumstance of a divorce or court of another state declares visitation, amongst others. The court has the responsibility to determine the rule on visitation by examining emotional ties and presence of danger, amongst others. **Amendment Summary:** House Judiciary Committee amendment 1 (004907) clarifies that the court is only authorized to order stepparent visitation under extraordinary cases, substitutes language requiring at least a 12-month maintenance of a significant relationship between the child and petitioner. Makes technical changes. **Fiscal Note:** (Dated February 20, 2019) NOT SIGNIFICANT
Garrett J.
SB326 - J. Johnson - 02/04/19 - Referred to Senate Judiciary Committee.
21. **HB830** **CRIMINAL LAW: Unlawful photographing of a minor.** Creates the Class C felony of aggravated unlawful photographing when the defendant knowingly photographs a minor with a reasonable expectation of privacy, depicts the minor in a state of nudity, and was taken for the purpose of sexual gratification. Requires a person convicted of aggravated unlawful photographing to register as a sexual offender. **Fiscal Note:** (Dated March 15, 2019) NOT SIGNIFICANT
Littleton M.
SB684 - J. Bowling - 04/10/19 - Set for Senate Judiciary Committee 04/16/19.
28. **HB754** **CRIMINAL LAW: Firearm prohibitions for persons suffering from mental illness.** Prohibits certain persons voluntarily admitted to a mental health treatment facility from possessing a firearm. **Amendment Summary:** House Judiciary Committee amendment 1 (006249) rewrites the bill to establish that it is an offense to transfer a firearm to a person knowing that the person has been judicially committed to a mental institution or adjudicated as a mental defective unless the person's right to possess firearms has been restored, or is receiving inpatient treatment at a hospital or treatment resource. **Fiscal Note:** (Dated March 1, 2019) Increase State Expenditures Exceeds \$100,000/One-Time
Smith R.
SB1402 - M. Bell - 02/11/19 - Referred to Senate Judiciary Committee.

Tue 4/16/19 8:00am - House Hearing Rm I, House Health Committee

Final Calendar MEMBERS: CHAIR B. Terry (R); VICE CHAIR E. Helton (R); S. Whitson (R); K. Vaughan (R); J. VanHuss (R); R. Smith (R); P. Sherrell (R); J. Sexton (R); C. Sexton (R); L. Miller (D); T. Leatherwood (R); S. Kumar (R); D. Jernigan (D); M. Hill (R); M. Hall (R); R. Gant (R); V. Dixie (D); B. Cooper (D); D Byrd (R)

1. **HB1029** **CRIMINAL LAW: Human Life Protection Act.** Declares abortion in the state of Tennessee to be an illegal act and the performance of an abortion resulting in a Class C felony. Establishes exceptions to this rule only in the event that a licensed physician determines that the abortion was necessary to prevent the death of a pregnant woman or cause substantial and irreversible damage to the pregnant woman, where neither the woman nor physician will be prosecuted. Specifies that the act would only go into effect in the case of the United States Supreme court overturning Roe v. Wade, as modified by Planned Parenthood of Southeastern Pennsylvania v. Case, or by adoption of an amendment to the United States Constitution which restores the authority to prohibit abortion to the states. **Amendment Summary:** Senate Judiciary Committee amendment 1 (007965) deletes and replaces language in the bill such that the only substantive change is to require the Attorney General and Reporter to notify the Tennessee Code Commission in writing if a qualifying circumstance to enact the proposed legislation occurs and to specify the thirtieth day following such qualifying circumstance. **Fiscal Note:** (Dated February 19, 2019) Other Fiscal Impact Due to the unknown timing of when the newly created felony will take effect, the impact to state incarceration costs cannot be reasonably determined.
Lynn S.
SB1257 - D. Gresham - 04/09/19 - Senate Judiciary Committee recommended with amendment 1 (007965). Sent to Senate Calendar Committee.
11. **HB78** **CRIMINAL LAW: Increases fine for failing to report abortion requests on minors.** Increases the fine on physicians who fail to report illegal abortions on children younger than 13 from \$500 to \$1,000 for the first offense and from \$1,000 to \$1,500 for the second offense. **Fiscal Note:** (Dated February 2, 2019) NOT SIGNIFICANT
Terry B.
SB1306 - M. Pody - 02/11/19 - Referred to Senate Judiciary Committee.

Tue 4/16/19 8:30am - Senate Hearing Rm I, Senate Finance, Ways & Means Committee

The committee will hear the 2019-2020 Administration amendment by Commissioner Stuart McWhorter with the Dept of Finance & Administration.
MEMBERS: CHAIR B. Watson (R); VICE CHAIR J. Stevens (R); 2ND VICE CHAIR J. Hensley (R); J. Yarbro (D); K. Yager (R); B. Kelsey (R); J. Johnson (R); F. Haile (R); B. Gilmore (D); T. Gardenhire (R); R. Briggs (R)

3. **SB173** **CRIMINAL LAW: Driving laws related to mobile phone use.** Expands the current offense of driving while using a handheld mobile phone as Class C misdemeanor to include any road, highway, or street, opposed to only in marked school zones as it currently stands. Establishes all drivers under 18 years of age using a hands-free device while the car is in motion will fall under this offense. **Amendment Summary:** Senate Transportation & Safety Committee amendment 1, House Transportation Committee amendment 1 (006464) prohibits physically holding or supporting, with any part of a person's body, a wireless telecommunications device or stand-alone electronic device while operating a motor vehicle unless the vehicle is lawfully parked. Authorizes use of an earpiece, headphone device, wrist device or mounting device. Exempts employers or contractors of utility services providers, public safety officers, law enforcement, and emergency personnel acting within the scope of their employment and persons who are lawfully parked in their motor vehicles from the above punishments. Establishes that violation of such is a Class C misdemeanor, punishable by fine only, not to exceed \$50. Establishes that if the violation is the person's third or subsequent offense of the violation results in an accident the fine is \$100. Establishes that if such a violation occurs in a work zone when workers are present or in a marked school zone when warning flashers are on, the fine is \$200. Establishes court costs not exceed \$10. Requires the Department of Transportation (TDOT) to utilize permanent electronic overhead informational displays to provide periodic messages to inform public about the law. Requires the Department of Safety (DOS) to include distracted driving as part of the instructional information used in driver education training. **Fiscal Note:** (Dated March 8, 2019) Increase State Revenue Exceeds \$262,400/FY19-20 Exceeds \$524,700/FY20-21 Up to \$262,400/FY21-22 and Subsequent Years Increase Local Revenue Exceeds \$31,100/FY19-20 Exceeds \$62,100/FY20-21 Up to \$31,100/FY21-22 and Subsequent Years
HB164 - J. Holsclaw, Jr. - 04/11/19 - Set for House Floor on 04/17/19.
12. **SB403** **CRIMINAL LAW: Mandatory sentence for theft of a firearm.** Requires a mandatory 30-day sentence for firearm theft, creates the Class D felony offense of bringing weapons, controlled substances or telecommunication devices into a penal institution, allows those with revoked or restricted driver license due solely to being habitual offender may petition the court that originally revoked their license to reinstate the person's driver license. **Amendment Summary:** Senate Judiciary Committee amendment 1 (004195) changes the effective date for sections 1, 2 and 3 to January 1, 2020. Senate Judiciary Committee amendment 2, House Judiciary amendment 1 (004188) removes "any telecommunication device" from being considered unlawful for any person to possess while present in any penal institution where prisoners are quartered or under custodial supervision without the express consent of the chief administrator of the institution. House Judiciary amendment 2 (005342) changes the effective date of the authorization of a person whose driver license was revoked or restricted as a result of the Motor Vehicle Habitual Offender Act to petition a court for reinstatement of the person's driver license to 30 days after the date upon which the Department of Safety Commissioner provides written notification to the Secretary of State and the Executive Secretary of the Tennessee Code Commission and the Department's "A-list" driver license program is capable of implementing the act or January 1, 2020, whichever is earlier. House Judiciary amendment 3 (005529) requires the sixth and subsequent DUI's be served at no less than 85% of the sentence. **Fiscal Note:** (Dated February 11, 2019) Increase State Expenditures Net Impact \$10,713,700* Increase Local Expenditures \$302,700**
HB167 - W. Lamberth - 04/11/19 - Set for House Floor on 04/17/19.

Tue 4/16/19 10:00am - Senate Hearing Rm I, Senate State & Local Government Committee

Final Calendar. The committee will hear a presentation by the CEO of Project Return. MEMBERS: CHAIR S. Dickerson (R); VICE CHAIR R. Briggs (R); 2ND VICE CHAIR T. Gardenhire (R); E. Jackson (R); B. Kelsey (R); S. Reeves (R); D. White (R); K. Yager (R); J. Yarbro (D)

16. **SJR178** **JUDICIARY: Constitutional amendment - minister cannot hold seat in general assembly.** Proposes an amendment to remove Article IX, Section 1 of the Constitution of Tennessee, which provides that no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature. **Fiscal Note:** (Dated March 15, 2019) Increase State Expenditures \$10,000/One-Time
Pody M.
19. **SB75** **CORRECTIONS: Providing of feminine hygiene products to women prisoners.** Requires custodians to make healthcare products available to women incarcerated in a correctional facility at no cost and in a quantity that is appropriate to the needs of the woman without a medical permit. Defines "healthcare products" to include feminine hygiene products, moisturizing soap that is not lye-based, toothbrushes, toothpaste, and any other healthcare product a custodian deems appropriate. **Amendment Summary:** House State Committee amendment 1 (005760) deletes and replaces all language after the enacting clause such that the only substantive change is to limit the proposed legislation to custodians of state correctional facilities. **Fiscal Note:** (Dated February 26, 2019) NOT SIGNIFICANT
HB129 - H. Love Jr. - 04/09/19 - House State Committee recommended with amendment 1 (005760). Sent to House Calendar & Rules.
Robinson K.
23. **SB379** **LABOR LAW: Harassment of government employee.** Permits an attorney for a county, municipal, or metropolitan government to seek an injunction against a person who commits harassment against an employee of the county, municipal, or metropolitan government. Specifies that the injunction may be sought in any court of competent jurisdiction having the power to grant injunctions. **Fiscal Note:** (Dated February 4, 2019) NOT SIGNIFICANT
HB108 - D. Jernigan - 04/11/19 - Set for House Floor on 04/17/19.
Yarbro J.

Tue 4/16/19 11:30am - House Hearing Rm I, House Education Committee

The committee will meet immediately following the Higher Education Subcommittee. HJR394 and SJR145 have been added to the calendar by suspension of the rules on the House Floor on 04/11/19. MEMBERS: CHAIR M. White (R); VICE CHAIR K. Haston (R); C. Baum (R); D. Moody (R); A. Parkinson (D); J. Ragan (R); I. Rudder (R); J. Sexton (R); K. Vaughan (R); T. Weaver (R); R. Williams (R); J. Windle (D); H. Love Jr. (D); T. Leatherwood (R); D. Byrd (R); S. Cepicky (R); M. Cochran (R); J. Coley (R); J. Deberry Jr. (D); V. Dixie (D); B. Dunn (R); J. Hodges (D); C. Hurt (R)

2. **HB405** **EDUCATION: Requires an adverse childhood experiences (ACEs) assessment before suspending or expelling a child.** Requires each board of education to adopt a policy where an adverse childhood experiences (ACEs) assessment must be done before expelling, suspending, assigning in-school suspension, or ordering a student to attend another school. Establishes reports of suspension and expulsion must include and consider ACE assessments. The LEA is required to conduct an ACE assessment when considering disciplinary action if one has not been made within one calendar year. **Amendment Summary:** House Education K-12 Subcommittee amendment 1 (005936) rewrites the bill to require each local board of education to adopt a policy requiring its schools to: (1) conduct an assessment of adverse childhood experiences (ACEs) before levying discipline upon a student. The policy must provide guidance on who will administer the assessment. (2) Allow the student to speak with a school counselor, if available, to discuss potential ACEs before in-school or out-of-school suspension, expulsion, or a referral to alternative school is levied. Results of the assessment must be considered before levying the discipline. LEAs are required to conduct an ACE assessment when considering disciplinary action, if the LEA has not conducted such an assessment within one calendar year. LEA training programs on ACEs may include information on administering ACEs assessments prior to imposing disciplinary actions. **Fiscal Note:** (Dated February 19, 2019) Increase State Expenditures \$197,500/FY19-20 \$107,500/FY20-21 and Subsequent Years Increase Local Expenditures Exceeds \$6,682,000/FY19-20 and Subsequent Years*
SB170 - K. Robinson - 04/10/19 - Set for Senate Education Committee 04/17/19.

Tue 4/16/19 1:00pm - Senate Hearing Rm I, Senate Judiciary Committee

MEMBERS: CHAIR M. Bell (R); VICE CHAIR J. Lundberg (R); 2ND VICE CHAIR D. White (R); J. Bowling (R); T. Gardenhire (R); S. Kyle (D); K. Roberts (R); K. Robinson (D); J. Stevens (R)

1. **SB603** **CRIMINAL LAW: Reckless endangerment with a deadly weapon.** Increases the penalty for the offense of reckless endangerment with a deadly weapon to a Class D felony if the offense occurred during a road rage incident. **Fiscal Note:** (Dated March 9, 2019) Increase State Expenditures \$27,300 Incarceration*
HB1116 - J. Coley - 04/10/19 - House Finance Subcommittee placed behind the budget.
4. **SB425** **CRIMINAL LAW: Residential, work, and treatment restrictions on sexual offenders whose victims are minors.** Increases the prohibited distance from a school, child care facility, public park, recreation center, or former victim's residence that a violent sexual offender can knowingly establish a residence from 1,000 feet to 2,000 feet. Adds restriction that if the offender has been convicted of a sexual offense or violent sexual offense where the victim was a child under 12 years of age, then the offender may not conduct an overnight visit at a residence in which a minor resides or is present. **Amendment Summary:** House Judiciary Committee amendment 1 (005284) deletes the first half of the bill increasing the sex offender boundary from 1,000 to 2,000 feet. **Fiscal Note:** (Dated March 10, 2019) Increase State Expenditures \$34,200 Incarceration*
HB407 - C. Doggett - 04/10/19 - House Finance Subcommittee placed behind the budget.
6. **SB1163** **CRIMINAL LAW: Violating a no contact order issued to a domestic violence victim.** Creates a Class A misdemeanor of violating a no contact order issued to a domestic violence victim. **Amendment Summary:** House Judiciary Committee amendment 1 (004956) designates the proposed legislation the Leigh Ann Act. **Fiscal Note:** (Dated March 10, 2019) Increase Local Expenditures Exceeds \$96,000*
HB1340 - C. Doggett - 04/10/19 - House Finance Subcommittee placed behind the budget.
10. **SB641** **JUDICIARY: Hearing to extend or dissolve an ex parte protection order.** Decreases the number of days in which a hearing must be held to either extend or dissolve an ex parte order of protection after the issuance of such order of protection from 15 to 10. Broadly captioned. **Amendment Summary:** House Judiciary Committee amendment 1 (007578) deletes all language after the enacting clause. Authorizes court clerks to process passport applications, take photographs for the passports, and charge a reasonable fee for such service. **Fiscal Note:** (Dated March 5, 2019) NOT SIGNIFICANT
HB1165 - M. White - 04/10/19 - House Judiciary Committee recommended with amendment 1 (007578). Sent to House Calendar & Rules.
12. **SB487** **CRIMINAL LAW: Reporting sexual abuse of a minor.** Changes the age that triggers the requirement that a physician report suspected sexual abuse of a minor who is seeking an abortion from under 13 years of age to under 18 years of age. **Amendment Summary:** House Judiciary Committee amendment 1 (005642) rewrites the bill to require a physician who performs elective abortion services as part of their practice to report suspected child sexual abuse if a minor between the ages of 13 and 17 requests the physician to perform an abortion and the physician has reasonable cause to believe there is child sexual abuse involved. **Fiscal Note:** (Dated February 28, 2019) NOT SIGNIFICANT
HB574 - J. Faison - 04/11/19 - Set for House Floor on 04/18/19.
13. **SB684** **CRIMINAL LAW: Unlawful photographing of a minor.** Creates the Class C felony of aggravated unlawful photographing when the defendant knowingly photographs a minor with a reasonable expectation of privacy, depicts the minor in a state of nudity, and was taken for the purpose of sexual gratification. Requires a person convicted of aggravated unlawful photographing to register as a sexual offender. **Fiscal Note:** (Dated March 15, 2019) NOT SIGNIFICANT
HB830 - M. Littleton - 04/12/19 - Set for House Floor 04/15/19.

17. **SB405** **CRIMINAL LAW: Petitions for post-conviction relief based on new non-scientific evidence.** Allows petitions for relief on conviction based on new non-scientific evidence establishing innocence. Specifies that only one petition for post-conviction relief can be filed attacking a single judgment, unless another petition filed is based on new evidence of actual innocence and such evidence was not ascertainable by the petitioner through the exercise of due diligence at the time a previous petition was filed. Establishes that a petitioner may reopen post-conviction processing under limited circumstance. **Amendment Summary:** House Judiciary Committee amendment 1 (006902) specifies that a petitioner may not seek relief under coram nobis or habeas corpus that is based on new evidence of actual innocence that has previously been the basis for a petition filed for post-conviction relief. Specifies that a petitioner may not seek relief under post-conviction relief that is based on new evidence of actual innocence that has previously been the basis for a petition filed for coram nobis or habeas corpus. Specifies that the proposed legislation does not prohibit a person from seeking post-conviction relief if a petition for a writ of error coram nobis or habeas corpus was filed prior to July 1, 2019. **Fiscal Note:** (Dated March 12, 2019) Increase State Expenditures \$18,400/One-Time \$509,100/Recurring
HB873 - M. Curcio - 04/10/19 - House Judiciary Committee recommended with amendment 1 (006902). Sent to House Finance.
18. **SB409** **CRIMINAL LAW: Rebuttable presumption - person charged with a bailable offense.** Creates a rebuttable presumption that a person charged with a bailable offense will not violate the conditions of his or her release if the offense is expungable and the person has not been previously convicted of an offense that is ineligible for expunction. **Amendment Summary:** House Criminal Justice Subcommittee amendment 1 (006401) rewrites the bill to require judges to document the reasoning behind decisions to not release an individual of their own recognizance. **Fiscal Note:** (Dated March 20, 2019) Decrease Local Revenue Exceeds \$5,000,000
HB1131 - M. Curcio - 04/10/19 - House Judiciary Committee deferred to first calendar of 2020.
21. **SB453** **CRIMINAL LAW: Parole eligibility - convictions for first degree murder.** Clarifies that a person sentenced to life imprisonment for first degree murder between November 1, 1989, and July 1, 1995, is eligible for parole after service of a minimum of 25 calendar years and those similarly sentenced after July 1, 1995, must serve a minimum of 51 calendar years before being eligible for parole. **Amendment Summary:** House Judiciary Committee amendment 1 (007261) adds language to the bill such that the substantive changes are to create a Class A misdemeanor offense for violation a condition of release imposed pursuant to Tenn. Code §40-11-150, authorize the bail of such person to be revoked by the court having jurisdiction over the condition or release, and require the venue for the new offense to be the county where the violation of a condition of release occurred. **Fiscal Note:** (Dated March 30, 2019) NOT SIGNIFICANT
HB394 - J. Garrett - 04/10/19 - House Judiciary Committee recommended with amendment 1 (007261). Sent to House Finance.
24. **SB1410** **PUBLIC EMPLOYEES: Allows court to require indigent provide relevant documents.** Declares that the court in a criminal proceeding or juvenile delinquency proceeding may request the person claiming to be indigent provide relevant documents to assist the court in making a determination of indigence. **Amendment Summary:** House Criminal Justice Subcommittee amendment 1 (007055) rewrites the bill to (1) add transdermal monitoring devices, other alternative drug and alcohol monitoring devices, or global position monitoring devices to the list of devices that, if a person is ordered to install and asserts to the court that the person is indigent and financially unable to pay for such a device, that the court is required to determine the financial ability of the person and to make a finding as to the indigency of such person, (2) change the eligibility for indigency for the purposes of such devices from and income consideration to eligibility if the person is receiving benefits from the Supplemental Nutrition Assistance Program (SNAP), (3) require the court clerk to electronically transmit a completed affidavit of indigency designed by the Administrative Office of the Courts to the Department of Human Services (DHS), (4) Require the DOH to verify whether or not a person is receiving SNAP benefits and to electronically transmit the results of the verification process back to the court clerk, and (5) require such verification of SNAP benefits to determine the acceptance or rejection of indigency. **Fiscal Note:** (Dated March 15, 2019) NOT SIGNIFICANT
HB1453 - M. Curcio - 04/10/19 - House Judiciary Committee deferred to first calendar of 2020.

Tue 4/16/19 3:00pm - House Hearing Rm I, House Government Operations Committee

HB395 and HB724 have been added to the calendar by suspension of the rules on the House Floor on 04/11/19. MEMBERS: CHAIR M. Daniel (R); VICE CHAIR I. Rudder (R); R. Williams (R); M. Stewart (D); C. Sexton (R); J. Reedy (R); J. Ragan (R); W. Lamberth (R); J. Lafferty (R); D. Howell (R); G. Hardaway (D); C. Halford (R); B. Dunn (R); K. Camper (D); K. Calfee (R)

2. **HB1** **ENTERTAINMENT: Authorizes sports betting in certain jurisdictions.** Authorizes sports betting in Tennessee in jurisdictions that approve sports betting by local option election. Imposes a ten percent tax on gaming revenue. Distributes 40 percent of the tax to the general fund for general appropriations, 30 percent to Tennessee colleges of applied technologies and community colleges for equipment and capital projects, and 30 percent to local governments for education and infrastructure. Establishes the Tennessee gaming commission to regulate sports betting and authorizes the commission to collaborate with the TBI for purposes of enforcement. **Amendment Summary:** House State Committee amendment 1 (008047) deletes and replaces all language after the enacting clause, such that substantive changes include: restricts sports wagering to interactive sports wagering or online wagering, removes ability to offer sports wagering through use of a kiosk, renames the Tennessee Gaming Commission the Lottery Corporation Gaming Advisory Council (Council), reduces the membership of the Council, from 9 member to 5 members, prior to making an appointment to the Corporation, the Governor must submit the name of a potential member to the Tennessee Bureau of Investigation (TBI). Requires the potential member provide a set of fingerprints, removes the Council's authority to employ staff, increases the nonrefundable annual licensing fee, from \$7,500 to \$750,000, and requires upon each initial or renewal of licensure, a nonrefundable application fee of \$50,000, stipulates that for every application for licensure or renewal of a license that is approved by the board, the amount of the application fee must be credited towards the licensee's annual license fee and the licensee shall remit the balance of the annual fee to the corporation upon approval of a license, fees collected from licensees must be used by the corporation to pay the actual operating and administrative expenses they incur, deletes the requirement that each employ of a license hold a permit and concurrently, pay a \$250 permit fee, requires the Corporation and Board to enforce this act and supervise compliance with laws and rules relating to the regulation and control of wagering on sporting events in Tennessee, adds the definition of "official league data", expands the definition of "sporting event" to include motorsports and e-sports, expands the definition of "wager" or "bet" to include pari-mutuel betting, increases the privilege tax imposed by this Act, from 10 percent to 20 percent, reapportions the proceeds of the 20 percent privilege tax in the following ways: 80 percent shall be distributed to the Lottery for Education Account, to be accounted for by the Corporation in a separate account. Stipulates that Tenn. Code Ann. § 4-51-111 is otherwise inapplicable to such tax apportionment, 15 percent shall be distributed to the distributed to each local government in the state on a per capita basis, as determined by population, and 5 percent shall be distributed by the Corporation for use by the Department of Mental Health and Substance Abuse Services to develop

percent shall be distributed by the Corporation for use by the Department of Mental Health and Substance Abuse Services to develop programs for gambling addiction and compulsive gambling, including, but not limited to a grant program to facilitate access to nonprofit organizations specializing in addiction and compulsive behavior by persons struggling with gambling addictions and compulsive gambling for the purposes of supplementing services provided directly by the Department. Requires the Department to prepare an annual report outlining such services and provide such report to various elected officials. Requires that the funds distributed to such local governments be used for local infrastructure projects, including, without limitation, transportation and road projects and public buildings. requires a licensee to exclusively use official league data for purposes of live betting, if a licensee can demonstrate to the Commission that such governing body of a sport or sports league or organization, or association cannot successfully provide a feed of official league data for official live betting, a licensee may use any data source that is not obtained either directly or indirectly from live, authorized sporting event attendees who collect the data in violation of the terms of admittance to the event or through automated computer programs that compile data from the internet in violation of the terms of service of the relevant website or other internet platform, authorizes a bettor to remotely register with a licensee for the purpose of betting via interactive sports wagering, rather than being required to register in-person, effectively legalizes interactive sports wagering or online sports wagering statewide without the requirement to be located in a jurisdiction having approved sports wagering via special referendum, and requires licensees to implement commercially and technologically reasonable procedures to prevent access to sports wagering by those, including minors, who are prohibited from participating in sports wagering on its interactive platforms. Requires each licensee to comply with applicable federal law with respect to sports wagering and gaming, including but not limited to, federal reporting requirements. Senate State & Local Government Committee amendment 1 (007699) restricts sports wagering to interactive sports wagering or online wagering. Removes ability to offer sports wagering through use of a kiosk. Renames the Tennessee Gaming Commission the Lottery Corporation Gaming Advisory Council (Council). Reduces the membership of the Council, from 9 member to 5 members. Prior to making an appointment to the Corporation, the Governor must submit the name of a potential member to the Tennessee Bureau of Investigation (TBI). Requires the potential member provide a set of fingerprints. Removes the Council's authority to employ staff. Increases the nonrefundable annual licensing fee, from \$7,500 to \$750,000, and requires upon each initial or renewal of licensure, a nonrefundable application fee of \$50,000. Stipulates that for every application for licensure or renewal of a license that is approved by the board, the amount of the application fee must be credited towards the licensee's annual license fee and the licensee shall remit the balance of the annual fee to the corporation upon approval of a license. Fees collected from licensees must be used by the corporation to pay the actual operating and administrative expenses they incur. Deletes the requirement that each employ of a license hold a permit and concurrently, pay a \$250 permit fee. Requires the Corporation and Board to enforce this act and supervise compliance with laws and rules relating to the regulation and control of wagering on sporting events in Tennessee. Adds the definition of "official league data". Expands the definition of "sporting event" to include motorsports and e-sports. Expands the definition of "wager" or "bet" to include pari-mutuel betting. Increases the privilege tax imposed by this Act, from 10 percent to 20 percent. Stipulates that 80 percent of privilege tax proceeds be distributed in the Lottery for Education Account; 15 percent be distributed to each local government in the state on a per capita basis, as determined by population; and 5 percent shall be distributed by the Corporation for use by the Department of Mental Health and Substance Abuse Services to develop programs for gambling addicts. Requires that the funds distributed to such local governments be used for local infrastructure projects, including, without limitation, transportation and road projects and public buildings. Requires a licensee to exclusively use official league data for purposes of live betting. If a licensee can demonstrate to the Commission that such governing body of a sport or sports league or organization, or association cannot successfully provide a feed of official league data for official live betting, a licensee may use any data source that is not obtained either directly or indirectly from live, authorized sporting event attendees who collect the data in violation of the terms of admittance to the event or through automated computer programs that compile data from the internet in violation of the terms of service of the relevant website or other internet platform. Authorizes a bettor to remotely register with a licensee for the purpose of betting via interactive sports wagering, rather than being required to register in-person. Effectively legalizes interactive sports wagering or online sports wagering statewide without the requirement to be located in a jurisdiction having approved sports wagering via special referendum. Requires licensees to implement commercially and technologically reasonable procedures to prevent access to sports wagering by those, including minors, who are prohibited from participating in sports wagering on its interactive platforms. **Fiscal Note:** (Dated January 9, 2019) Increase State Revenue - \$2,975,500/FY19-20/General Fund \$5,951,000/FY20-21/General Fund Exceeds \$5,951,000/FY21-22 and Subsequent Years/ General Fund \$2,231,600/FY19-20/TBR \$4,463,300/FY20-21/TBR Exceeds \$4,463,300/FY21-22 and Subsequent Years/TBR Exceeds \$412,500/FY19-20 and Subsequent Years/ Tennessee Gaming Commission \$3,600/FY19-20/TBI \$1,200/FY20-21 and Subsequent Years/TBI Increase State Expenditures Exceeds \$269,300/FY19-20/Tennessee Gaming Commission Exceeds \$259,500/FY20-21 and Subsequent Years/ Tennessee Gaming Commission \$75,200/FY19-20/Department of Revenue \$72,000/FY20-21 and Subsequent Years/ Department of Revenue \$3,600/FY19-20/TBI \$1,200/FY20-21 and Subsequent Years/TBI Increase Local Revenue - \$2,231,600/FY19-20/Permissive \$4,463,300/FY20-21/Permissive Exceeds \$4,463,300/FY21-22 and Subsequent Years/ Permissive Other Fiscal Impact This Act will result in additional jobs and consumption expenditures within the economy, both ultimately resulting in a recurring increase in sales tax revenue collected by state and local government. In addition, this Act will result in a shift in consumer spending from goods and services to sports gaming, including a shift in money spent on lottery tickets in Tennessee to sports gaming. The net shift in consumer spending from goods and services to sports gaming, or the impact on net lottery proceeds, cannot be reasonably determined. Due to multiple unknown factors, any applicable net impact on state and local tax revenue as a result of this Act cannot be reasonably quantified, but is considered to be positive. 2 HB 1 SB 16 In addition, there will be an unknown increase in the number of food and beverage licenses and permits issued, respectively, by state and local governing bodies. An increase in the number of issuances of such licenses and permits will result in additional state and local government tax revenue. Due to multiple unknown factors, any such additional state and local tax revenue cannot be reasonably quantified, but is considered to be positive. To the extent a local government opts to hold a referendum not in conjunction with a regularly-scheduled primary or general election, there will be a permissive increase in local expenditures which will vary based on the size of the local government; however, any such permissive increase in expenditures is estimated to exceed \$7,000.

SB16 - S. Dickerson - 04/10/19 - Senate State & Local Government Committee recommended with amendment 1 (007699). Sent to Senate Finance.

Wed 4/17/19 11:00am - House Hearing Rm I, House Finance, Ways & Means Subcommittee

The subcommittee will meet immediately following the House Education Committee. MEMBERS: CHAIR A. Holt (R); J. Deberry Jr. (D); P. Hazlewood (R); G. Hicks (R); M. Hill (R); S. Lynn (R); B. Ogles (R); C. Sexton (R); J. Shaw (D)

9. **HB397** **CRIMINAL LAW: Establishes a victims of human trafficking fund.** Creates a fund within the state treasury called the "victims of human trafficking fund" which will remain available to be used by the department of finance and administration's office of criminal justice programs. Specifies the purpose of the fund is to provide comprehensive treatment and support services to the victims of human trafficking offenses. This could include medical care, mental health and substance abuse care, nutritional counseling, safe housing, job training, transportation, and other basic human needs. Orders the department of finance and administration's office of criminal justice programs to distribute moneys in the fund in the form of grants to the single point of entry agencies in the state. **Amendment Summary:** Senate amendment 1, House Judiciary Committee amendment 1 (006066) deletes and rewrites all language after the enacting clause without making any substantive changes to the legislation. **Fiscal Note:** (Dated March 2, 2019) Other Fiscal Impact To the extent state funds are deposited to and expended from the newly-created Victims of Human Trafficking Fund (VHTF), there will be a shift of use for such state funding from other general purposes of state government to the purposes specified in this legislation. In addition, there could be increases in federal expenditures, if the federal government elects to provide any such funding to the VHTF.
SB447 - M. Bell - 04/01/19 - Senate passed with amendment 1 (006066).
22. **HB715** **CRIMINAL LAW: Removes certain prohibitions of citations in lieu of arrest.** Removes certain circumstances in which a citation in lieu of arrest shall not be issued, makes various other changes and corrections. **Amendment Summary:** Senate amendment 2, House Judiciary Committee amendment 1 (005762) rewrites the bill to remove the prohibition of the issuance of a citation in lieu of arrest in certain circumstances, and specifies that an officer is authorized to arrest and take a person into custody in certain instances if there is a reasonable likelihood that the arrested person will fail to appear in court or if the prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized. **Fiscal Note:** (Dated February 24, 2019) Decrease Local Expenditures Exceeds \$16,000
SB587 - J. Lundberg - 03/21/19 - Senate passed with amendment 2 (005762).
23. **HB135** **CRIMINAL LAW: Offense of reckless endangerment by discharging a firearm into a parade or religious service.** Creates a Class C felony offense of reckless endangerment when someone discharges a firearm into a parade, religious service, concert, athletic event, political event, educational event, or into any other group of 25 or more people who are lawfully assembled. **Amendment Summary:** Senate Judiciary Committee amendment 1, House Judiciary Committee amendment 1 (004918) declares exemption to the crime of reckless endangerment by discharging a firearm if done by a member of a law enforcement agency or any branch of the military acting in the course of a person's official duties, involves the firing of non-live ammunition as part of a funeral, or occurs in a location where participants have assumed the risk of the activity involving the discharge of a firearm, including group hunting activities. **Fiscal Note:** (Dated February 19, 2019) Increase State Expenditures \$376,900 Incarceration*
SB35 - B. Gilmore - 03/19/19 - Senate Judiciary Committee recommended with previously adopted amendment 1 (004918). Sent to Senate Finance.
25. **HB864** **JUDICIARY: Defines a guardian for purposes of criminal injuries compensation.** Defines guardian for purposes of criminal injuries compensation. Broadly captioned. **Amendment Summary:** Senate Judiciary Committee, House Judiciary Committee amendment 1 (005135) redefines "guardian" or "legal guardian" as a person having the legal authority to provide for the care, supervision, and control of the minor child as established by a court order. **Fiscal Note:** (Dated February 22, 2019) Increase State Expenditures Exceeds \$36,000/Criminal Injuries and Compensation Fund
SB1324 - J. Bowling - 04/12/19 - Set for Senate Floor 04/15/19.

Wed 4/17/19 2:30pm - Senate Hearing Rm I, Senate Education Committee

Final Calendar MEMBERS: CHAIR D. Gresham (R); VICE CHAIR B. Kelsey (R); 2ND VICE CHAIR R. Akbari (D); M. Bell (R); R. Crowe (R); S. Dickerson (R); F. Haile (R); J. Hensley (R); J. Lundberg (R)

17. **SB170** **EDUCATION: Requires an adverse childhood experiences (ACEs) assessment before suspending or expelling a child.** Requires each board of education to adopt a policy where an adverse childhood experiences (ACEs) assessment must be done before expelling, suspending, assigning in-school suspension, or ordering a student to attend another school. Establishes reports of suspension and expulsion must include and consider ACE assessments. The LEA is required to conduct an ACE assessment when considering disciplinary action if one has not been made within one calendar year. **Amendment Summary:** House Education K-12 Subcommittee amendment 1 (005936) rewrites the bill to require each local board of education to adopt a policy requiring its schools to: (1) conduct an assessment of adverse childhood experiences (ACEs) before levying discipline upon a student. The policy must provide guidance on who will administer the assessment. (2) Allow the student to speak with a school counselor, if available, to discuss potential ACEs before in-school or out-of-school suspension, expulsion, or a referral to alternative school is levied. Results of the assessment must be considered before levying the discipline. LEAs are required to conduct and ACE assessment when considering disciplinary action, if the LEA has not conducted such an assessment within one calendar year. LEA training programs on ACEs may include information on administering ACEs assessments prior to imposing disciplinary actions. **Fiscal Note:** (Dated February 19, 2019) Increase State Expenditures \$197,500/FY19-20 \$107,500/FY20-21 and Subsequent Years Increase Local Expenditures Exceeds \$6,682,000/FY19-20 and Subsequent Years*
HB405 - H. Love Jr. - 04/11/19 - Set for House Education Committee 04/16/19.
33. **SB1261** **EDUCATION: Code of conduct for schools.** Requires each local board of education and charter school governing body to adopt a code of conduct for each school describing the type of behavior expected from all persons entering the school grounds. **Amendment Summary:** House Education Committee amendment 1 (004360) excludes students from new code of conduct proposed and keeps current code of conduct for students in place. Consequences for failure to follow new code of conduct set forth for anyone entering school grounds or attending school-sponsored events can include limiting their accessibility to school grounds and events in the future. An acknowledgement of the code of conduct from a parent or guardian is not part of the enrollment requirements for a school. House Education Committee amendment 2 (004494) removes Putnam County from the provisions of the legislation. **Fiscal Note:** (Dated February 14, 2019) NOT SIGNIFICANT
HB399 - A. Parkinson - 04/10/19 - Taken off notice in House Education Committee after adopting amendment 1 (004360) and amendment 2 (004494).