

HOUSE BILL 1064

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 10; Title 38; Title 39; Title 40; Chapter 969 of the Public Acts of 2024 and Chapter 1033 of the Public Acts of 2024, relative to criminal law.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following new section:

(a) Following the arrest of a person for an offense listed in subsection (b), the court or magistrate shall order the defendant to wear a global positioning monitoring system device as a condition of bail as set forth in § 40-11-152(b)(2), unless the court or magistrate finds the offender no longer poses a threat to the alleged victim or public safety.

(b) This section applies to a defendant arrested for:

(1) An offense, during the course of which:

(A) The defendant is alleged to have carried, possessed, or used a firearm or dangerous weapon;

(B) A person was killed or suffered serious bodily injury; or

(C) The defendant is alleged to have used force against the person of another;

(2) Domestic assault, under § 39-13-111;

(3) Burglary of a freight or passenger car, automobile, truck, trailer, boat, airplane, or other motor vehicle, under § 39-13-1002(a)(4);

(4) Reckless driving, under § 55-10-205;

(5) Drag racing, under § 55-10-502; or

(6) A second or subsequent offense under title 39, chapter 13, part 10 or title 39, chapter 14, part 1.

(c) The clerk of each court that orders the use of global positioning monitoring pursuant to subsection (a) shall report the number of defendants currently subject to such an order and the offenses for which the defendant is awaiting trial on a monthly basis to the administrative office of the courts. The administrative office of the courts shall compile an annual report of the number of defendants subject to such an order, including totals for each county, to be submitted to the committee of the house of representatives with jurisdiction over subject matters pertaining to criminal justice and the judiciary committee of the senate by July 1 of each year.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(b)(2), is amended by deleting the language:

Pursuant to § 40-11-150(n), if the court or magistrate finds probable cause to believe that one (1) or more of the circumstances in § 40-11-150(n)(1) did occur, then unless the court or magistrate finds the offender no longer poses a threat to the alleged victim or public safety and makes such a finding in a written order, the court or magistrate shall order a defendant who is charged with the offense of aggravated assault, as defined in § 39-13-102(a)(1)(A)(i), (a)(1)(A)(iii), or (a)(1)(A)(iv), in which the alleged victim of the offense is a domestic abuse victim, as defined in § 36-3-601, to do the following as a condition of bail:

and substituting instead:

Pursuant to § 40-11-150(n) and SECTION 1, if the court or magistrate finds probable cause to believe that one (1) or more of the circumstances in § 40-11-150(n)(1) or SECTION 1(b) did occur, then unless the court or magistrate finds the offender no

longer poses a threat to the alleged victim or public safety and makes such a finding in a written order, the court or magistrate shall order the defendant to do the following as a condition of bail:

SECTION 3. Tennessee Code Annotated, Section 40-11-115(a), is amended by adding the following new subdivision:

(3) When a magistrate orders a defendant released pending trial, the magistrate must include in the magistrate's order a written record of the factors considered in determining whether to release the defendant on recognizance, upon unsecured bond, with conditions of release, or following the deposit of bail.

SECTION 4. Tennessee Code Annotated, Section 39-13-502(a)(4), is amended by deleting the subdivision and substituting:

(4) The defendant knows that the defendant is infected with a sexually transmitted disease, and the sexually transmitted disease is transmitted to the victim. As used in this subdivision (a)(4), "sexually transmitted disease" means the same as defined in § 68-10-101.

SECTION 5. Tennessee Code Annotated, Section 40-11-152(d), is amended by deleting the subsection and substituting:

(d) If the magistrate prohibited the defendant from going to or near certain locations as a condition of release at the victim's request, the court must seal any record of the victim's home address or other exact location provided to the magistrate by the victim.

SECTION 6. Tennessee Code Annotated, Section 40-11-152, is amended by deleting the language "subsection (d)" wherever it appears and substituting instead "subsection (l)".

SECTION 7. Tennessee Code Annotated, Section 40-11-152(l), is amended by adding the following new subdivisions:

() Any sanctions that the magistrate may impose on the defendant for violating a condition of bond imposed under this section;

() The procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the global positioning monitoring system equipment fails;

() Community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence;

SECTION 8. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following new section:

If the magistrate or other judicial official requires a defendant to be subject to a global positioning monitoring system as a condition of release pursuant to § 40-11-150(n), § 40-11-152, SECTION 1(b), or another provision of law, then the sheriff's department shall not release the defendant until a qualified contract service provider has installed the global positioning monitoring system and begun monitoring the defendant's compliance with the conditions of release.

SECTION 9. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following new section:

(a) In order to initiate a traffic stop, a law enforcement officer in a marked law enforcement vehicle must:

(1) Activate the vehicle's blue lights at the time the officer begins to follow the motor vehicle for the purpose of initiating a traffic stop; and

(2) Notify the law enforcement agency's dispatcher that the officer is initiating a traffic stop.

(b) In order to ensure the safety of all motorists, pedestrians, and property located near highways and streets, a law enforcement officer is required to follow the written policies of the law enforcement agency during any traffic stop.

SECTION 10. Tennessee Code Annotated, Section 39-14-105, is amended by adding the following new subsection:

(e) A violation of this part for which the punishment is determined pursuant to this section shall be punished one (1) classification higher than provided in this section if the violation was committed against the property of a first responder, as defined by first responder or law enforcement officer, as those terms are defined in § 39-13-116, while the first responder or law enforcement officer is engaged in official duties.

SECTION 11. This act takes effect July 1, 2025, the public welfare requiring it.