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Hot Topics for Tennessee cities and towns

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#58

2000 Legislative Changes of Interest to Local Law Enforcement

By Rex Barton
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The 2000 legislative session resulted in numerous changes that affect law enforcement in Tennessee. This publication highlights some of the more important changes. However, do not rely solely on these summaries before giving advice or taking action. Refer to the act itself. MTAS will publish the complete *2000 Tennessee Public Acts* next month.

The following changes became effective July 1, 2000, unless otherwise indicated.

DRUG FUND REVENUES

Chapter No. 881 (SB2114/HB2169). Disposition of drug fines. Amends T.C.A. § 39-17-428 to require that 50 percent of any fines collected as a result of any drug related offense will go to the drug fund of the law enforcement agency responsible for the arrest. The remaining 50 percent will go to the general fund of the local government of the arresting agency. Previously, the statutes specified the amount of money that went to the drug fund and the general fund for each type of drug charge. This change should greatly simplify the accounting process for drug fine revenues.

VICTIM'S RIGHTS AND DOMESTIC VIOLENCE

Chapter No. 801(SB2517/HB2914). Notice by law enforcement agencies to crime victims of their rights. Amends T.C.A. Title 40, Chapter 38, requires law enforcement agencies to provide the following information to the victim of any crime:

- The victim's rights (under Article 1, Section 35, of the Tennessee Constitution) to be free from intimidation, harassment, and abuse throughout the criminal justice system;
- The availability, if any, of crisis intervention services and emergency and medical services;
- The name of the law enforcement agency and telephone number;

- In cases of domestic violence, the procedures and resources available for protection of the victim;
- The name and telephone numbers of public and private victim assistance programs, including the state criminal injuries compensation program and programs that provide counseling, treatment and other support services; and
- The procedural steps involved in a criminal prosecution.

Previously, law enforcement agencies were required to provide much of this information to the victims of domestic violence. It is suggested that police departments simply redesign existing domestic violence information forms and begin providing the forms to the victims of all crimes.

Chapter No. 824 (SB2936/HB2684). Domestic assault. Amends T.C.A. § 39-13-111 was to create a new classification of assault called domestic assault. A domestic assault occurs when a perpetrator assaults (as defined in 39-13-101, the assault statute) a person who is the perpetrator's family member or household member. The law change goes on to define "family member or household member" as:

a spouse, former spouse, person related by blood or marriage, or a person who currently or in the past has resided with the perpetrator as if a family, or a person who has a child or children in common with the perpetrator, regardless of whether they have been married or resided together at any time.

PUBLIC SAFETY DISPATCHING

Chapter No. 946 (SB3172/HB2365). Emergency management provisions amended. Existing law establishes minimum hiring qualifications (similar to the minimum qualifications for police officers) and training standards. This new law gives the state Public Safety Committee the authority to enforce the qualifications and standards. New hires, and employees hired after May 1, 1994, must meet the minimum qualifications. The requirement for a mental evaluation for new hires has been deleted. Counties that were exempt from the minimum qualifications and training standards under the old law are no longer exempt.

ADULT ORIENTED BUSINESSES

Chapter No. 897 (SB1395/HB1083). Adult oriented establishments – criminal records check. Amends T.C.A. § 7-51-1121 to allow local governments to require adult oriented businesses and entertainers working in those businesses to undergo a background check to ensure that they have no criminal convictions that would prevent them from operating or working in an adult oriented business. This law is designed to prevent an adult entertainer or business owner from leaving one town after a criminal conviction and setting up shop in another town. The city must submit two fingerprint cards to the TBI and pay the TBI a fee for the background check. The city may add the fee to the cost of the application.

TRAFFIC SAFETY

Chapter No. 967 (SB226/HB2025). School zone speed limit extended. Amends T.C.A. § 55-8-152 by restating a local government's authority to establish school zone speed limits. The school zone speed limits are enforceable when there is a school zone speed limit sign with flashing lights. If a city does not establish a school zone speed limit, motorists traveling faster than 15 miles per hour during a period 90 minutes before school starts or 90 minutes after the school closes, when children are actually present, is prima facie guilty of reckless driving.


Chapter No. 916 (SB2794/HB3194). Bicycle safety rules extended. Amends T.C.A. §§ 55-52-103 -- 106. Existing law requires bicyclists under the age of 16 to wear a bicycle helmet while riding on state roads. The changes extend that requirement to any highway or street open to the use of the public, or any sidewalks alongside the streets. The first offense may only result in a warning. A citation may be issued for second or subsequent offenses.

Chapter No. 945 (SB3081/HB3009). Child passenger restraints. Amends T.C.A. § 55-9-603 making the seat belt law a primary offense for certain age groups. It is illegal for any driver to transport a child four years of age through 15 years of age who is not in a child restraint seat or wearing seat belts. Children 16 years of age through 17 years of age, including the driver and all passengers, must wear seat belts. The driver may be cited if anyone in the vehicle four years old through 15 years old is not wearing a seat belt. Any occupant 16 or 17 years old who is not wearing a seat belt may be cited, including the driver if the driver is 16 or 17 years old. The maximum fine for this offense is \$20. The court may not collect court costs or litigation tax. All of the fine money must be turned over to the state.

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