PUBLIC CHAPTER NO. 134

HOUSE BILL NO. 75

By Representatives Dean, Bass, Watson, Harry Brooks, DuBois, Jim Cobb

Substituted for: Senate Bill No. 866

By Senator Watson

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1, Part 1, relative to the photographing and recording of juveniles under certain circumstances.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-155, is amended by adding the following new subsection:

(e)

(1) Notwithstanding any other provision of law to the contrary, a law enforcement officer, while acting in the course of official duties, may photograph, make a video recording and/or make an audio recording of a juvenile in the following circumstances:

(i) the juvenile is in the process of committing an offense;

(ii) the law enforcement officer is conducting field sobriety tests based upon suspicion that the juvenile is driving under the influence of an intoxicant; or

(iii) the juvenile is the victim of an offense and consents to such photographing or recording. However, any photograph or recording of the victim taken pursuant to this subdivision (iii) shall be taken solely for use as evidence in the case being investigated and not for any other purpose except as is already provided in this section.

(2) Any such photograph or recording shall be made solely for use as evidence, and if no charges are brought against the juvenile within the applicable statute of limitations for the offense under investigation, such photograph and/or recording shall be destroyed unless a court of competent jurisdiction orders otherwise.

(3) Notwithstanding any other provision of law to the contrary, any such photograph and/or recording shall not be considered a public record and shall not be released to the public except by order of the court having jurisdiction over the charges brought against the juvenile.

SECTION 2. This act shall take effect on July 1, 2007, the public welfare requiring it.

PASSED: April 25, 2007

JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of May 2007

PHIL BREDESEN, GOVERNOR