



State of Tennessee

PUBLIC CHAPTER NO. 184

HOUSE BILL NO. 783

By Representatives Lamberth, Gant, Gillespie

Substituted for: Senate Bill No. 766

By Senators Johnson, Jackson, Bowling, Haile

AN ACT to amend Tennessee Code Annotated, Title 37, relative to juvenile justice information.

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

37-1-____. Quality Statewide Data Collection.

(a) As used in this section:

(1) "Delinquent case" means a court proceeding concerning an alleged delinquent act or delinquent acts resulting in a charge or charges against a child arising out of a single episode;

(2) "Diversion" means the resolution of a delinquent case or unruly case through informal adjustment, pretrial diversion, or judicial diversion;

(3) "Episode" means a delinquent act or group of delinquent acts occurring as part of a continuous sequence, which may involve multiple victims;

(4) "Original offense" means a prior delinquent case or unruly case resulting in:

(A) Informal adjustment;

(B) Pretrial diversion;

(C) Judicial diversion; or

(D) Adjudication that the child was delinquent or unruly;

(5) "Out-of-home placement" means a court-ordered removal of a child from the child's residence while awaiting a court hearing or as part of an order of disposition in a delinquent case or unruly case, including, but not limited to, transfer of temporary legal custody or grant of permanent guardianship that results in a change of residence, commitment to the department of children's services, or placement in an institution, home, or other facility operated under the direction of the court or other local public authority;

(6) "Probation" means a court-ordered disposition in a delinquent case or unruly case in which a child is retained in the community, rather than removed to an out-of-home placement. Probation may be unsupervised or supervised by the court, the department of children's services, any person or agency designated by the court, or the court of another state, under conditions and limitations prescribed by the court in consultation with the supervising authority;

(7) "Re-offense" means a subsequent case in which a child is adjudicated delinquent or found unruly based upon conduct occurring within twelve (12) months of the ending date of the diversion, probation, or out-of-home placement resulting from the original offense; and

(8) "Unruly case" means a proceeding concerning an act or set of acts that result in a child being alleged to be an unruly child.

(b) A probation violation is included as part of the delinquent case or unruly case that resulted in the court order placing the child on probation; provided, that if the probation placement resulted from more than one (1) case, the violation must be included only as part of the case containing the most serious offense. A failure to appear is included as part of the delinquent case or unruly case that resulted in the court order requiring the child's appearance; provided, that if the order requiring the child's appearance resulted from more than one (1) case, the violation must be included only as part of the case containing the most serious offense.

(c) Juvenile courts shall assign each child alleged to be delinquent or unruly a unique child identification (ID) number, which the court shall use with respect to each proceeding involving that child.

(d) Each juvenile court, through the juvenile court clerk or juvenile court staff, shall, each month, in a format prescribed by the administrative office of the courts, report to the administrative office of the courts the following information:

(1) Each new delinquent case or unruly case in which a child is charged, including:

(A) The date the case was filed or opened;

(B) The statutory offense or offenses charged;

(C) The child's unique child ID number;

(D) The unique case or docket number, which shall not be the child's unique child ID number; and

(E) The child's name, date of birth, race, sex, ethnicity, and social security number; and

(2) For each case reported pursuant to subdivision (d)(1), the following information, as applicable, along with the unique case or docket number:

(A) For cases that result in diversion, the date the child was placed on diversion, the type of diversion, the ending date for the diversion, and whether the diversion was successfully completed;

(B) The date the child was adjudicated delinquent or found unruly, and on which offenses, or the date the case was dismissed;

(C) For cases in which the child was adjudicated delinquent, the date the child's validated risk and needs assessment was completed pursuant to § 37-1-164;

(D) The date the case was closed, transferred to another juvenile court, transferred to the criminal court of competent jurisdiction, dismissed, or otherwise disposed of;

(E) For cases that result in probation, the date the child was placed on probation, the type of probation, the ending date of the probation, and whether the probation was successfully completed;

(F) For cases that result in a court-ordered out-of-home placement, the date of the out-of-home placement, the type of out-of-home placement, and the ending date of the out-of-home placement;

(G) Any post-adjudication detention ordered pursuant to § 37-1-131(a)(3), including the length of detention ordered; and

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(H) For cases that result in a petition alleging a probation violation, the date the violation petition was filed, whether the violation petition resulted in diversion or adjudication, the date of the diversion or adjudication, the type of diversion or, if there was an adjudication, whether the violation was sustained or dismissed.

(e) The department of mental health and substance abuse services shall, each month, regarding cases in which a juvenile court refers a child to receive services provided by grantees funded through appropriations to the department under the Juvenile Justice Reform Act of 2018, report to the administrative office of the courts the following information:

(1) The number of children served;

(2) The age, race, sex, and county of residence of the children served;
and

(3) In the case of each child, whether the services were successfully completed or terminated due to unsuccessful completion.

(f) Identifying information received by the administrative office of the courts is confidential; must not be published, released, or otherwise disseminated; and must be maintained in accordance with state and federal laws and regulations regarding confidentiality. The administrative office of the courts may make such data available to properly concerned agencies and individuals, or to any person upon request, but any such publication or release of data must be limited to nonidentifying information. The administrative office of the courts shall develop guidelines and procedures to expunge identifying information collected on juveniles; provided, that such expunction may occur only after the juvenile reaches the age that is beyond jurisdiction of the juvenile court.

(g) Nothing in this section mandates any change in a county's decision regarding the division of reporting responsibility between the juvenile court clerk and the youth services officer or any other juvenile court staff member.

SECTION 2. Tennessee Code Annotated, Section 37-1-164, is amended by adding the following as a new subsection:

The administrative office of the courts may provide to each juvenile court having jurisdiction over a child charged with a delinquent or unruly offense the results of any validated risk and needs assessment concerning that child completed by another juvenile court; provided, that the judge or magistrate of the court having jurisdiction shall not access, review, or otherwise utilize such results before disposition.

SECTION 3. Tennessee Code Annotated, Section 37-1-506, is amended by deleting the section.

SECTION 4. Tennessee Code Annotated, Section 37-1-185(1), is amended by deleting the language "§ 37-1-506 and other" and substituting the language "any".

SECTION 5. Tennessee Code Annotated, Section 37-5-105, is amended by deleting subdivision (17)(B)(i)(b) in its entirety.

SECTION 6. The heading to Section 1 in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 7. This act takes effect July 1, 2021, the public welfare requiring it.



State of Tennessee

PUBLIC CHAPTER NO. 105

SENATE BILL NO. 1286

By White

Substituted for: House Bill No. 478

By Lamberth, Garrett, Griffey, Jerry Sexton, Sherrell, Littleton

AN ACT to amend Tennessee Code Annotated, Title 37, relative to juvenile justice.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-114(c)(1), is amended by adding the following as a new subdivision:

(C) Burglary, under § 39-14-402, aggravated burglary, under § 39-14-403, especially aggravated burglary, under § 39-14-404, an offense under title 39, chapter 13, part 4, or theft, under § 39-14-103, of a motor vehicle;



SECTION 2. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(3) and substituting:

(3) Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority. The court may order the delinquent child to participate in programming at a nonresidential facility for delinquent children operated under the direction of the court or other local public authority after the period of detention. The court shall report each disposition of detention to the administrative office of the courts;




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

SENATE BILL NO. 1286

PASSED: March 25, 2021


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 7th day of April 2021


BILL LEE, GOVERNOR



State of Tennessee

PUBLIC CHAPTER NO. 252

SENATE BILL NO. 447

By Bell, Jackson, Rose, Yager

Substituted for: House Bill No. 1231

By Littleton, Sherrell, Hardaway, Moody, Smith, Whitson, Jernigan, Eldridge

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 39, relative to juveniles.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-116(j), is amended by adding the following new subdivision:

(5) Upon a security breach at a secure detention or correctional facility designated, operated, or approved by the court for confinement of juveniles; a youth development center; or other hardware secure facility that contracts with the department, the on-site facility supervisor-in-charge shall immediately report the security breach to the department of children's services and the chief law enforcement officer of the county in which the facility is located. The report must include the facts of the security breach, the time when the breach occurred, and the circumstances under which the breach occurred, together with the particular description of any person involved in the breach, including the person's age, size, complexion, race, and color of hair and eyes. As used in this subdivision (j)(5), "security breach" means entry into a secure detention or correctional facility, youth development center, or other hardware secure facility that contracts with the department by an adult or child who is not authorized to do so. An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirement of this subdivision (j)(5) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 2. Tennessee Code Annotated, Section 37-1-116(j)(4), is amended by deleting the subdivision and substituting:

(4) Upon an escape by a juvenile who is alleged or adjudicated to be delinquent by virtue of an act which is a felony if committed by an adult and who is confined to a secure detention or correctional facility designated, operated, or approved by the court, a youth development center, or other hardware secure facility that contracts with the department, the on-site facility supervisor-in-charge shall immediately report the escape to the department of children's services and chief law enforcement officer of the county in which the facility is located. The report must include the facts of the escape, the time when the escape occurred and the circumstances under which the escape occurred, together with the particular description of the escapee, the escapee's age, size, complexion, race, color of hair and eyes, and from what county the escapee was committed, for what offense, and when the offense occurred. An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirement of this subdivision (j)(4) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

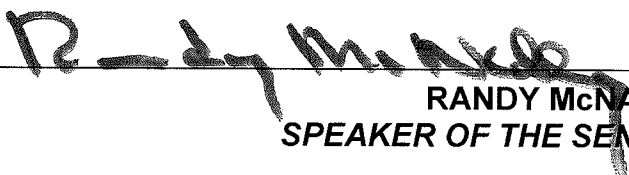
SECTION 3. Tennessee Code Annotated, Section 37-5-105(4), is amended by adding the following new subdivision:

(C) The annual report must contain information about any escape, attempted escape, security breach, as defined in § 37-1-116(j)(5), or attempted security breach that has occurred in the previous calendar year at a secure detention or correctional facility designated, operated, or approved by a juvenile court for confinement of juveniles. The information must include the facts of the escape, security breach, or attempt, the time when the escape, breach, or attempt occurred, and the circumstances under which the escape, breach, or attempt occurred.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

SENATE BILL NO. 447

PASSED: April 19, 2021



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of April 2021



BILL LEE, GOVERNOR



State of Tennessee

PUBLIC CHAPTER NO. 395

HOUSE BILL NO. 534

By Representatives Howell, Curcio, Griffey, Whitson, Sherrell, Hardaway, Ogles, White, Smith, Moody, Hazlewood, Miller, Hodges, Williams

Substituted for: Senate Bill No. 627

By Senator Bell

AN ACT to amend Tennessee Code Annotated, Title 33; Title 37 and Title 39, Chapter 16, Part 5, relative to school violence.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following as a new section:

39-16-517.

(a) As used in this section:

(1) "Mass violence" means any act which a reasonable person would conclude could lead to the serious bodily injury, as defined in § 39-11-106, or the death of two (2) or more persons;

(2) "Means of communication" means direct and indirect verbal, written, or electronic communications, including graffiti, pictures, diagrams, telephone calls, voice over internet protocol calls, video messages, voice mails, electronic mail, social media posts, instant messages, chat group posts, text messages, and any other recognized means of conveying information;

(3) "School" means any public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university; and

(4) "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

(b) A person who recklessly, by any means of communication, threatens to commit an act of mass violence on school property or at a school-related activity commits a Class A misdemeanor.

(c) As a condition of bail or other pretrial release, the court may, in its discretion, order the defendant to undergo an evaluation, under § 33-7-301, to determine whether the defendant poses a substantial likelihood of serious harm to the person or others.

(d)

(1) Any person who has knowledge of a threat of mass violence on school property or at a school-related activity shall report the threat immediately to:

(A) The local law enforcement agency with jurisdiction over the school property or school-related activity; and

(B) The school that is subject to the threat of mass violence.

(2) The report must include, to the extent known by the reporter, the nature of the threat of mass violence, the name and address of the person

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making the threat, the facts requiring the report, and any other pertinent information.

(3) Any person who has knowledge of a threat of mass violence on school property or at a school-related activity and knowingly fails to report the threat commits a Class B misdemeanor.

(e) In addition to any other penalty authorized by law, a sentencing court may order a person convicted under subsection (b) to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred on the school property or at the school-related activity but for the threat to commit an act of mass violence.

SECTION 2. Tennessee Code Annotated, Section 37-1-114(c)(1), is amended by adding the following new subdivision:

(C) A threat of mass violence on school property, as prohibited by § 39-16-517. The court may order a child held under this subdivision (c)(1)(C) to undergo a mental health evaluation under § 37-1-128(e) if appropriate.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.



State of Tennessee

PUBLIC CHAPTER NO. 492

SENATE BILL NO. 383

By Jackson, Yarbrow, Akbari, Campbell

Substituted for: House Bill No. 1126

By Russell, Farmer, Hardaway, Chism, Lamar, Thompson, Powell, Jernigan

AN ACT to amend Tennessee Code Annotated, Title 37, relative to children.

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

37-5-214.

(a) As used in this section:

(1) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(A) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(B) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(C) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area; and

(2) "Temporary" means for no more than two (2) hours.

(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Seclusion shall not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. Following a period of seclusion, the facility administrator may review the seclusion and authorize an additional two-hour period of seclusion if appropriate. The facility administrator shall not authorize more than two (2) subsequent, consecutive periods of seclusion or more than six (6) total hours of seclusion within a twenty-four-hour period. The department may, by rule or policy, provide alternative options for a child who cannot safely rejoin the rest of the resident population following the maximum period of seclusion authorized by this subsection (c).

SECTION 2. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(26) and substituting instead the following:

(26) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a

locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area;

SECTION 3. Tennessee Code Annotated, Section 37-1-116(l), is amended by deleting the subsection and substituting instead the following:


(l) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. This subsection (l) applies to any child detained in any facility pursuant to § 37-1-114, either pre-adjudication or post-adjudication. Following a period of seclusion, the facility administrator may review the seclusion and authorize an additional two-hour period of seclusion if appropriate. The facility administrator shall not authorize more than two (2) subsequent, consecutive periods of seclusion or more than six (6) total hours of seclusion within a twenty-four-hour period. The department may, by rule or policy, provide alternative options for a child who cannot safely rejoin the rest of the resident population following the maximum period of seclusion authorized by this subsection (l).

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

SENATE BILL NO. 383

PASSED: May 3, 2021


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of May 2021


BILL LEE, GOVERNOR



State of Tennessee

PUBLIC CHAPTER NO. 364

SENATE BILL NO. 1121

By White, Pody

Substituted for: House Bill No. 1211

By Baum, Lamberth, Sherrell, Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, relative to criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Addressee" means the person to whom a piece of mail is addressed;

(2) "Curtilage" has the same meaning as defined in § 39-11-611; and

(3) "Mail" means a letter, postal card, package, bag, or other sealed article that:

(A) Is delivered by a common carrier or delivery service and not yet received by the addressee; or

(B) Has been left to be collected for delivery by a common carrier or delivery service.

(b) It is an offense to take mail from a residential mailbox or from the curtilage of a dwelling without the consent of the addressee and with the intent to deprive the addressee of the mail.

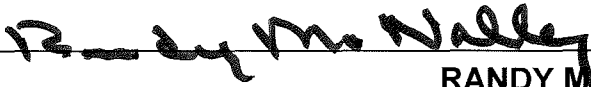
(c)(1) A first offense of mail theft is punished as theft under § 39-14-105, after determining value under § 39-11-106.

(2) A second or subsequent offense of mail theft is punished as theft under § 39-14-105, after determining value under § 39-11-106. However, in no event shall punishment for a second or subsequent offense of mail theft be less than a Class E felony.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to violations occurring on or after that date.

SENATE BILL NO. 1121

PASSED: April 27, 2021




RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of May 2021



BILL LEE, GOVERNOR



State of Tennessee

PUBLIC CHAPTER NO. 590

SENATE BILL NO. 476

By Bell, Jackson

Substituted for: House Bill No. 1121

By Farmer, Hardaway, Ogles, Carr, Whitson, Howell, Moody, Littleton, Crawford, Alexander

AN ACT to amend Tennessee Code Annotated, Title 37, relative to records involving abuse of children.

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

SECTION 1. Tennessee Code Annotated, Section 37-5-107, is amended by adding the following as a new subsection:

() (1) It is an offense for any person to attempt to access or obtain confidential information from the department regarding alleged child abuse or neglect that the person knows is in violation of state or federal laws and regulations regarding confidentiality.

(2) A violation of this subsection () is a Class A misdemeanor.

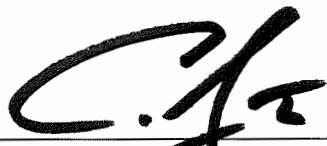
SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

SENATE BILL NO. 476

PASSED: May 4, 2021



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 27th day of May 2021



BILL LEE, GOVERNOR