

Amendment No. 2 to SB2158

Watson
Signature of Sponsor

AMEND Senate Bill No. 2158*

House Bill No. 2774

by deleting Section 1 and substituting instead:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 1, Part 4, is amended by adding the following as a new section:

(a) Beginning January 1, 2025, the district attorneys general conference shall collect and analyze data from law enforcement agencies on the number of persons not lawfully present in the United States charged or convicted of a criminal offense in this state during the previous year. To prepare the report, a district attorneys general conference may consult with the Tennessee bureau of investigation, the department of safety, the department of correction, and other law enforcement agencies, to the extent those agencies may provide information in compliance with state and federal law. On or before January 31, 2025, and each January 31 thereafter, the Tennessee district attorneys general conference shall submit a report to the governor and the speakers of the senate and house of representatives. The report must provide the numbers by judicial district.

(b) The Tennessee district attorneys general conference shall publish the report on one (1) or more publicly available websites, which must include, but is not limited to, a publicly available website of the Tennessee district attorneys general conference.

(c) The department of correction shall report to the governor and the speakers of the senate and house of representatives on or before January 31, 2026, and each January 31 thereafter, the cost incurred by this state to hold persons not lawfully present in the United States convicted of a criminal offense in the previous year, in comparison

with the total cost incurred by this state to hold all persons convicted of a criminal offense during the same period.

(d) For purposes of this section, an individual is "not lawfully present in the United States" if:

(1) The individual cannot provide:

(A) A social security card or number that can be verified with the social security administration in accordance with federal law;

(B) A valid Tennessee driver license or photo identification license issued by the department of safety;

(C) A permanent resident card, also known as a green card, issued by the United States citizenship and immigration services;

(D) An F-1 or M-1 student visa, issued by the United States department of state;

(E) A J-1 visa, issued by the United States department of state;

(F) An official birth certificate issued by a state, jurisdiction, or territory of the United States or a United States government-issued certified birth certificate;

(G) A valid, unexpired United States passport;

(H) A certificate of citizenship (form N560 or N561);

(I) A certificate of naturalization (form N550, N570, or N578);

(J) A B-2 visa, issued by the United States department of state; or

(K) A valid, unexpired e-passport issued by a foreign country and an Electronic System for Travel Authorization approval issued by the United States department of state through the Visa Waiver Program; or

(2) The individual has been granted parole under 8 U.S.C. § 1182(d)(5), temporary protected status, deferred action, deferred enforced departure, or similar exercise of administrative grace or prosecutorial discretion.

(e) If an individual cannot produce the documentation listed in subdivision (d)(1), then a law enforcement officer may presume the individual is lawfully present in the United States based on the officer's personal knowledge of the individual.

(f) This section is repealed July 1, 2032.