

HOUSE BILL 43

By Faison

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to surveillance of private
property.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by
adding the following as a new section:

(a) A law enforcement officer shall not enter private property for the purpose of
engaging in surveillance or setting up surveillance equipment to search for and collect
evidence or obtain information or other data unless:

(1) The officer has obtained a search warrant signed by a judge
authorizing the surveillance or set up and use of surveillance equipment; or

(2) A judicially recognized exception to the warrant requirement exists at
the time of the surveillance.

(b) Evidence obtained in violation of this section may not be used by the state in
any court of law or administrative board as evidence, nor may other evidence that is
derived from the illegally obtained data be used as evidence in any such proceeding.

(c) As used in this section, "law enforcement officer" has the same meaning as
defined in § 39-13-609.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.