

HOUSE BILL 470

By Crawford

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 17; Title 25; Title 36; Title 37; Title 38; Title 39
and Title 40, relative to the Gabby Act.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding the following as a new part:

38-6-301. Short title.

This part is known and may be cited as the "Gabby Act."

38-6-302. Part definitions.

As used in this part, "local law enforcement agency" means a lawfully established local public agency that is responsible for the prevention and detection of crime.

38-6-303. Domestic violence and child abuse task force established.

(a) There is created the domestic violence and child abuse task force of the Tennessee bureau of investigation.

(b) The task force is authorized to investigate matters pertaining to:

- (1) Domestic abuse, as defined in § 36-3-601;
- (2) Domestic assault, as defined in § 39-13-111;
- (3) Child abuse and child neglect or endangerment, as defined in § 39-15-401;
- (4) Aggravated child abuse and aggravated child neglect and endangerment, as defined in § 39-15-402; and
- (5) Child sexual abuse, as defined in § 37-1-602.

(c) The task force shall assist a local law enforcement agency that requests assistance regarding a case involving an offense described in subsection (b) by:

- (1) Setting deadlines for the local law enforcement agency;
- (2) Providing resources and surveillance; and
- (3) Conducting additional witness interviews.

(d) The Tennessee bureau of investigation shall cover the cost of development and implementation of the domestic and child abuse task force by utilizing existing resources.

38-6-304. Local law enforcement agency request.

(a) A local law enforcement agency shall request assistance from the domestic violence and child abuse task force on a case involving an offense described in § 38-6-303(b) if:

- (1) An arrest warrant issued in relation to the case is unable to be served within seventy-two (72) hours; or
- (2) A search warrant issued in relation to the case is unable to be served within five (5) days.

(b) The local law enforcement agency shall make available to the domestic violence and child abuse task force documentation and evidence related to the case, including the identities and locations of witnesses or involved parties.

(c) If the domestic violence and child abuse task force assists with a case pursuant to this section, then the local law enforcement agency shall create, in coordination with the task force, a reasonable, accurate, confidential, and available source of information for the victim. The local law enforcement agency may also recommend or provide resources to the victim as the agency deems necessary.

(d) A local law enforcement agency shall cover the cost of implementing this section by utilizing existing resources.

SECTION 2. Tennessee Code Annotated, Section 40-38-103(b), is amended by deleting the language "victim of violent crime involving serious bodily injury or death of a relative" and substituting instead "victim of violent crime involving serious bodily injury, death of a relative, or domestic abuse, as defined in § 36-3-601,".

SECTION 3. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following new section:

(a) There is established within the Tennessee bureau of investigation (TBI) the Purple Alert system. The purpose of the Purple Alert system is to provide a statewide system for the rapid dissemination of information to expedite locating missing or endangered domestic abuse victims, as defined in § 36-3-601.

(b) If the TBI receives a report that involves a missing or endangered domestic abuse victim, then the TBI shall issue an alert providing for rapid dissemination of information statewide regarding such victim, as appropriate. The TBI shall make every effort to disseminate the information as quickly as possible when the status of the victim has been reported to a law enforcement agency.

(c) The TBI shall adopt uniform guidelines and procedures for issuing an alert for such persons and shall provide education and training to encourage radio and television broadcasters to participate in the alert. The guidelines and procedures shall ensure that specific health information about any missing or endangered domestic abuse victim is not made public through the alert or otherwise.

(d) The TBI shall consult with the department of transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on a missing or endangered domestic abuse victim meeting the criteria of

this section when information is available that would enable motorists to assist in the recovery of the missing or endangered person. The TBI and the department of transportation shall develop guidelines for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.

(e) The TBI may use the statewide infrastructure of the America's Missing Broadcast Emergency Response (AMBER) Alert to the extent permissible to facilitate the Purple Alert system.

(f) An entity or individual involved in the dissemination of a Purple Alert generated pursuant to this section is not liable for any civil damages arising from such dissemination.

SECTION 4. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 5. For purposes of implementation, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.