

HOUSE BILL 783

By Lamberth

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

(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.