

HOUSE BILL 870

By Lafferty

AN ACT to amend Tennessee Code Annotated, Title 10,
Chapter 7, relative to confidential records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by deleting subsection (h) and substituting:

(h)

(1) Notwithstanding another law to the contrary, the names of persons involved in carrying out a sentence of death are confidential and are exempt from public disclosure.

(2) The identity of an entity that compounds, distributes, or manufactures the drugs obtained and used by the department of correction to carry out an execution by lethal injection is not confidential, is open to public inspection, and may be subject to discovery or introduction as evidence in a civil proceeding. The qualifications, evidence of competency, and relevant experience of an officer or employee of the entity, and a person or contractor used by the entity to obtain equipment or substances to facilitate the compounding, distribution, or manufacturing of the drugs used by the department of correction in carrying out a sentence of death are not confidential. However, the residential and office addresses, residential and office telephone numbers, social security numbers, and tax identification numbers of officers and employees of the entity and any person or contractor used by the entity to obtain equipment or substances to facilitate the compounding of such drugs are confidential and are exempt from public disclosure.

(3) Records related to remuneration to a person or entity in connection with the person's or entity's participation in or preparation for the execution of a sentence of death are not confidential. Payments must be made in accordance with a memorandum of understanding between the commissioner of correction and the commissioner of finance and administration. If a contractor is employed to participate in or prepare for the execution of a sentence of death, the amount of the special payment made to the contractor pursuant to the contract must be reported by the commissioner of correction to the comptroller of the treasury and the amount is not confidential.

(4) Information made confidential by this subsection (h) must be redacted wherever possible and nothing in this subsection (h) limits or denies access to otherwise public information because a file, document, or data file contains confidential information.

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