

HOUSE BILL 1104

By Holsclaw

AN ACT to amend Tennessee Code Annotated, Title 16,
relative to courts.

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

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 3, Part 8, is amended by adding the following language as a new, appropriately designated section:

(a) The administrative director of the administrative office of the courts shall establish and administer a program to remind criminal defendants of their obligation to appear at the criminal defendants' scheduled court appearance.

(b) As used in this section, "eligible court" means a criminal court.

(c) Administration of the program in every eligible court, as defined in subsection (b), must begin no later than July 1, 2020. The administrative director shall issue a request for proposals to identify a third-party vendor to develop and operate the court reminder program. At the conclusion of the request for proposal process, the administrative director may choose to develop and operate the program without utilizing a third-party vendor.

(d) In administering the program, the administrative director shall prioritize the use of text messaging to remind criminal defendants of their scheduled court appearances, unless and until a more effective technological means of reminding defendants becomes available. In addition to, or when a defendant is unable to receive text messages, the administrative director may use other communication methods, including telephone, email, or other internet-based technology to remind criminal defendants of court dates.

(e) Once established, the program must:

(1) Provide criminal defendants at least two (2) text message reminders prior to all scheduled court appearances in an eligible court, if:

(A) The administrative director has a working mobile telephone number for the criminal defendant; and

(B) The criminal defendant has the capability to receive text messages;

(2) Include in the text message reminder the date, location, and time of the court appearance and contact information for questions related to the appearance;

(3) Provide a text message alert to any criminal defendant who misses a court appearance if a warrant is subsequently issued for that defendant's arrest;

(4) Identify criminal defendants with upcoming court appearances who cannot be reached and, as resources allow, attempt to acquire current contact information for the criminal defendants;

(5) Identify each instance in which a criminal defendant was sent a text message reminder to a working mobile telephone number; and

(6) Collect and track data concerning the number of criminal defendants who fail to appear at scheduled court appearances despite having been sent one (1) or more reminders to a working mobile telephone number.

(f) Each eligible court must utilize the reminder services provided by the administrative director unless the court has an existing procedure for using text messaging to remind all criminal defendants to appear at their scheduled court appearances, in which case, the eligible court may opt out of the program created by this section.

(g) Nothing in this section creates a right for any criminal defendant to receive a reminder from the program.

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