

State of Tennessee

PUBLIC CHAPTER NO. 1008

SENATE BILL NO. 757

By Haile, Jackson, Hensley, Taylor, Walley, White, Yager, Crowe

Substituted for: House Bill No. 1128

By Gant, Powers, Russell

AN ACT to amend Tennessee Code Annotated, Title 8; Title 10; Title 16; Title 38; Title 39; Title 40 and Title 55, relative to criminal justice.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 7, Part 1, is amended by adding the following new section:

(a) When a person is arrested, booked, or confined for any period in the jail of a county or municipality, the arresting law enforcement agency and the keeper of a jail shall collaborate to verify the citizenship status of the person and the sheriff shall report the status of persons who are not lawfully present within the United States or whose status cannot be determined to the district attorneys general conference.

(b) As used in this section, except as provided in subsection (c), a person is "not lawfully present within the United States" if:

(1) The person cannot provide:

(A) A social security card or number that can be verified with the social security administration in accordance with federal law;

(B) A valid Tennessee driver license or photo identification license issued by the department of safety;

(C) A permanent resident card, also known as a green card, issued by the United States citizenship and immigration services;

(D) An F-1 or M-1 student visa, issued by the United States department of state;

(E) A J-1 visa, issued by the United States department of state;

(F) An official birth certificate issued by a state, jurisdiction, or territory of the United States or a United States government-issued certified birth certificate;

(G) A valid, unexpired United States passport;

(H) A certificate of citizenship (form N560 or N561);

(I) A certificate of naturalization (form N550, N570, or N578);

(J) A B-2 visa, issued by the United States department of state; or

(K) A valid, unexpired e-passport issued by a foreign country and an Electronic System for Travel Authorization approval issued by the United States department of state through the Visa Waiver Program; or

(2) The individual has been granted parole under 8 U.S.C. § 1182(d)(5), temporary protected status, deferred action, deferred enforced departure, or similar exercise of administrative grace or prosecutorial discretion.


(c) If an individual cannot produce the documentation listed in subdivision (b)(1), then a law enforcement officer or jailer may presume the individual is lawfully present in the United States based on the officer's personal knowledge of the individual.

(d) The requirements of this section are in addition to the requirements in § 40-7-123.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.

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PASSED: April 24, 2024




RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2024



BILL LEE, GOVERNOR