

HOUSE BILL 1158

By Goins

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 10 and Title 40, relative to evidence related to the sexual exploitation of minors.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, Part 1, is amended by adding the following new section:

(a) In any criminal proceeding, any property or material relating to the sexual exploitation of minors under title 39, chapter 17, part 10, shall remain in the care, custody, and control of either the state or the court.

(b)

(1) Notwithstanding Rule 16 of the Tennessee Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material relating to the sexual exploitation of minors under title 39, chapter 17, part 10, so long as the state makes the property or material reasonably available to the defendant.

(2) For the purposes of subdivision (b)(1), property or material shall be deemed to be reasonably available to the defendant if the state provides ample opportunity for inspection, viewing, and examination at a state facility of the property or material by the defendant's attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.

SECTION 2. This act shall take effect upon July 1, 2017, the public welfare requiring it.