

HOUSE BILL 1759

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 55, relative to the use of certain
transdermal monitoring devices.

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

SECTION 1. Tennessee Code Annotated, Section 40-15-105(a)(2), is amended by adding the following as a new subdivision:

(l)

(i) That for any memorandum entered into on or after July 1, 2014, the defendant use a transdermal monitoring device or other alternative monitoring device if, in the opinion of the district attorney general, the defendant's use of alcohol or drugs was a contributing factor in the defendant's unlawful conduct; and

(ii) As used in this subdivision (a)(2)(l), "transdermal monitoring device" means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person's skin at least once per one half (1/2) hour regardless of the person's location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.

SECTION 2. Tennessee Code Annotated, Section 40-28-117, is amended by adding the following at the end of subsection (a):

For any prisoner paroled on or after July 1, 2014, the terms and conditions may specifically include that the prisoner, upon release, use a transdermal monitoring device or other alternative monitoring device if, in the opinion of the board, the prisoner's use of

alcohol or drugs was a contributing factor in one (1) or more of the offenses for which the prisoner is being paroled. As used in this subsection (a), “transdermal monitoring device” means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person’s skin at least once per one half (1/2) hour regardless of the person’s location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.

SECTION 3. Tennessee Code Annotated, Section 40-35-303(d), is amended by adding the following as a new subdivision:

(12)

(A) Use a transdermal monitoring device or other alternative monitoring device if the court determines that the defendant’s use of alcohol or drugs was a contributing factor in the defendant’s unlawful conduct and the defendant is granted probation on or after July 1, 2014; and

(B) As used in this subdivision (d)(12), “transdermal monitoring device” means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person’s skin at least once per one half (1/2) hour regardless of the person’s location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.

SECTION 4. Tennessee Code Annotated, Section 40-35-313(a)(1)(B), is amended by adding the following as a new subdivision:

(iii) As used in this subsection (a), “reasonable conditions” includes, but is not limited to, the use of a transdermal monitoring device or other alternative monitoring device for all qualified defendants granted deferral pursuant to this section on or after July 1, 2014, if the court determines that the defendant’s use of alcohol or drugs was a contributing factor in the defendant’s unlawful conduct. “Transdermal monitoring device” means any device or instrument that is attached to the person, designed to automatically

test the alcohol or drug content in a person by contact with the person's skin at least once per one half (1/2) hour regardless of the person's location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.

SECTION 5. Tennessee Code Annotated, Section 55-10-402(h), is amended by designating the existing language of (h)(7) as (h)(7)(A) and by adding the following new (h)(7)(B):

(B) As used in (h)(7)(A), "transdermal monitoring device" means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person's skin at least once per one half (1/2) hour regardless of the person's location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.

SECTION 6. This act shall take effect July 1, 2014, the public welfare requiring it.