

HOUSE BILL 1961

By Shipley

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39 and Title 40, relative to acts of terrorism.

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

SECTION 1. Tennessee Code Annotated, Section 40-6-103, is amended by deleting the section in its entirety and substituting instead the following:

A search warrant can only be issued on probable cause, or on reasonable suspicion of an act of terrorism, as defined in § 39-13-803, supported by affidavit, naming or describing the person, and particularly describing the property, and the place to be searched.

SECTION 2. Tennessee Code Annotated, Section 40-6-104, is amended by deleting the section in its entirety and substituting instead the following:

The magistrate, before issuing the warrant, shall examine on oath the complainant and any witness the complainant may produce, and take their affidavits in writing, and cause them to be subscribed by the persons making the affidavits. The affidavits must set forth facts tending to establish the grounds of the application, probable cause for believing the grounds exist, or reasonable suspicion for believing that an act of terrorism, as defined by § 39-13-803, is being committed.

SECTION 3. Tennessee Code Annotated, Section 40-6-105, is amended by deleting the section in its entirety and substituting instead the following:

The magistrate, if satisfied of the existence of the grounds of the application, that there is probable ground to believe their existence, or reasonable suspicion for believing that an act of terrorism, as defined by § 39-13-803, is being committed, shall issue a search warrant signed by the magistrate, directed to the sheriff, any constable or

any peace officer, commanding the sheriff, constable or peace officer immediately to search the person or place named for the property specified, and to bring it before the magistrate.

SECTION 4. Tennessee Code Annotated, Section 40-6-106, is amended by deleting the language “that there is probable cause for believing that,” and substituting instead the following language:

“that there is probable cause for believing that,” or “there is reasonable suspicion for believing that an act of terrorism, as defined by T.C.A. § 39-13-803, is being committed,”

SECTION 5. This act shall take effect July 1, 2009, the public welfare requiring it.