

HOUSE BILL 2059

By Lynn

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to electronic tracking of human beings.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following language as a new, appropriately designated section:

Section 39-13-608.

(a) As used in this section, unless the context otherwise requires:

(1) "Discriminate" means to make distinctions, have bias, prejudice, or partiality;

(2) "Entity" means an individual, corporation, business trust, estate, trust, partnership, limited liability corporation, association, foundation, joint venture, government, government subdivision, agency or instrumentality, public corporation or any other legal or commercial entity;

(3) "Identification/tracking device or mark" means any item, application, device, marking, or other technology capable of storing or passively or actively transmitting an individual's identity, characteristics, status, group membership, travel history, or location, or capable of storing or transmitting a number, symbol, signal, pattern, or other identifier that could be linked with any such information;

(4) "Individual" means a unique, separate human being; and

(5) "Track" means to locate, follow or monitor.

(b) It is an offense for any entity to knowingly require, coerce, or cause an individual to have an identification/tracking device or mark implanted, permanently or semi-permanently, into or on the body, skin, teeth, hair, or fingernails of such individual.

(c) In no instance shall an identification/tracking device or mark be implanted or incorporated into or on the person of an individual without that individual's informed written consent, with full disclosure of any health or other risks associated with the device or mark. Consent of a guardian, guardian ad litem, attorney-in-fact, parent or other agent shall not be considered adequate consent.

(d) Any individual undergoing implantation or incorporation of an identification/tracking device or mark must be at least eighteen (18) years of age and of sound mind to grant consent.

(e) In no instance shall an identification/tracking device or mark be implanted or incorporated into or on a human corpse.

(f) No entity may use an identification/tracking device or mark in or on the person of an individual to identify that individual or as a means of, or aid to, track that individual without the consent of the individual being identified or tracked.

(g) No entity shall use the absence of an identification/tracking device or mark as a basis for discriminating against an individual for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, banking, finance, or commerce.

(h) A violation of this section is a Class A misdemeanor, subject to a fine only.

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

it.