

HOUSE BILL 2091

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 51, Part 2; Title 8, Chapter 6; Title 8, Chapter 7 and Title 38, relative to deaths and injuries involving law enforcement officers.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 8, Part 3, is amended by adding the following language as a new section:

(a) In this section:

(1) "Critical injury" means an injury that is reasonably likely to result in the death of the injured person, as determined by the district attorney general of the county in which the injury occurred;

(2) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime;

(3) "Law enforcement officer" means a sworn officer of a law enforcement agency; and

(4) "Officer-involved shooting" means the shooting of a person:

(A) By a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer's law enforcement duties; and

(B) That results in the death or critical injury of the person.

(b) Whenever an officer-involved shooting occurs, the law enforcement agency with jurisdiction over the shooting shall immediately notify the district attorney general with jurisdiction over the shooting. The district attorney general shall immediately notify

the Tennessee bureau of investigation (TBI) of the shooting. The TBI shall conduct the investigation of any officer-involved shooting, except as provided in subsection (g). The law enforcement agency with jurisdiction over the scene of the shooting shall secure the scene of the shooting until the arrival of TBI investigators.

(c)

(1) The TBI investigation shall not interfere with any investigation being conducted by the law enforcement agency that employs the officer in question into ongoing criminal activity, unless the district attorney general requests that the TBI investigate that criminal activity.

(2) The law enforcement agency that employs the officer involved in the shooting may conduct an internal investigation into the shooting; provided, however, that the internal investigation shall not be in lieu of or interfere with the investigation conducted pursuant to subsection (b).

(d)

(1) At the conclusion of the investigation, the TBI investigators shall provide a complete report of the findings to the district attorney general of the county in which the officer-involved shooting occurred and the attorney general and reporter. After receipt of the report by the district attorney general and attorney general and reporter, the report shall be a public document.

(2) If the district attorney general determines there is no basis to prosecute the law enforcement officer involved in the shooting, the district attorney general shall prepare and publicly disclose a report explaining the reasons for the determination. The report shall contain, at a minimum, the following:

(A) A brief statement of the facts;

(B) A description of the witnesses interviewed;

(C) The reason for the officer's initial interaction with the person

who was shot;

(D) The extent to which any suspects, witnesses, or persons of interest were detained during the investigation and on what grounds each person was detained;

(E) A description of any acts of aggression committed by any party to the shooting;

(F) Whether the person who was shot was armed;

(G) The legal justification for the shooting, including whether the officer acted in self-defense; and

(H) Any other appropriate information from the investigative file, as determined by the district attorney general.

(e) Notwithstanding § 38-8-309, this section applies to all law enforcement agencies.

(f) Nothing in this section shall limit the rights of a police officer provided by §§ 38-8-301 - 38-8-310.

(g) When the law enforcement officer in an officer-involved shooting is a TBI employee, the investigation required by this section shall be conducted by TBI investigators that are assigned to a division of the state other than the division to which the officer involved in the shooting is assigned.

SECTION 2. Tennessee Code Annotated, Section 7-51-208(b), is amended by deleting the language "twenty-five thousand dollars (\$25,000)" and substituting instead the language "one hundred thousand dollars (\$100,000)".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to officer-involved shootings occurring on or after that date.