



# State of Tennessee

## PUBLIC CHAPTER NO. 1045

### HOUSE BILL NO. 2106

**By Representatives Travis, Mark White, Gilmore, Towns, Cooper**

**Substituted for: Senate Bill No. 1575**

**By Senators Norris, Yager, Jackson, Bailey, Harper**

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 41, relative to correctional institutions.

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

SECTION 1. Tennessee Code Annotated, Section 41-4-121, is amended by adding the following as new subsections:

(d) Notwithstanding this section, if the prisoner is a juvenile:

(1) The sheriff has the authority, when the jail of the county is insufficient for the safekeeping of a juvenile prisoner, to convey the prisoner to the nearest sufficient juvenile detention facility in the state;

(2) The court may order commitment of a juvenile prisoner to the nearest sufficient juvenile detention facility in all cases where it is shown to the committing court that the jail of the county in which the commitment should be made is insufficient for the safekeeping of a juvenile prisoner;

(3) Any circuit, criminal, or general sessions judge, upon the application of the sheriff and proof of the fact, may order a juvenile prisoner to be removed to the nearest sufficient juvenile detention facility in all cases where the jail in which a juvenile prisoner is confined becomes insufficient for any cause; and

(4) An order issued under this subsection (d) shall be reviewed by the issuing court at least once every thirty (30) days. In conducting the review, the court shall determine whether the order needs to remain in place, be terminated, or be modified to place conditions on the order. In evaluating whether the order needs to remain in place, the court shall consider the jail or juvenile detention facilities' obligations relative to the use of restrictive housing. If the order is terminated, the prisoner shall be returned to the county jail or juvenile detention facility, as appropriate.

(e) Nothing in this section authorizes a non-adjudicated juvenile, or a non-adjudicated juvenile who has been transferred to criminal court in accordance with title 37, chapter 1, to be committed or removed to the state penitentiary or a branch prison for safekeeping.

SECTION 2. Tennessee Code Annotated, Section 41-4-121, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) The sheriff has the authority, when the jail of the county is insufficient for the safekeeping of a prisoner, to convey the prisoner to the nearest sufficient jail in the state or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility in the state.

(2) In all cases where it is shown to the committing court that the jail of the county in which the commitment should be made is insufficient for the safekeeping of the prisoner, the court may order commitment of the prisoner to

the nearest sufficient county jail or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility.

(3) In all cases where the jail in which a prisoner is confined becomes insufficient for any cause, any circuit, criminal, or general sessions judge, upon the application of the sheriff and proof of the fact, may order the prisoner to be removed to the nearest sufficient jail or, if the prisoner is a juvenile, to the nearest sufficient juvenile detention facility.

(b)

(1) An order issued under this section shall be reviewed by the issuing court at least once every thirty (30) days. In conducting the review, the court shall determine whether the order needs to remain in place, be terminated, or be modified to place conditions on the order. In evaluating whether the order needs to remain in place, the court shall consider the jail or juvenile detention facilities' obligations relative to the use of restrictive housing. If the order is terminated, the prisoner shall be returned to the county jail or juvenile detention facility, as appropriate.

(2) Nothing in this section authorizes a non-adjudicated juvenile, or a non-adjudicated juvenile who has been transferred to criminal court in accordance with title 37, chapter 1, to be committed or removed to the state penitentiary or a branch prison for safekeeping.

SECTION 3. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to juvenile prisoners committed or moved for safekeeping prior to, on, or after the effective date of this act. Section 2 of this act shall take effect January 1, 2019, the public welfare requiring it, and shall apply to prisoners committed or moved for safekeeping prior to, on, or after such date.

HOUSE BILL NO. 2106

PASSED: April 25, 2018

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 21<sup>st</sup> day of May 2018

  
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BILL HASLAM, GOVERNOR