

HOUSE BILL 2523

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 5; Title 6; Title 7; Title 8; Title 9 and Title 29, relative to funding for settling a claim or action resulting from an incident of sexual harassment or a sexual crime committed by a public official.

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

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 1, is amended by adding the following new section:

(a) For the purposes of this section:

(1) "Campaign account" means an account established by a candidate as defined in § 2-10-102;

(2) "Public entity" means any department, agency, or entity of this state or any political subdivision of this state;

(3) "Public funds" means:

(A) Funds drawn from the state treasury or other fund of the state;

or

(B) Funds drawn from revenue collected by a county, municipality, or other political subdivision;

(4) "Public official" means an individual who holds an elective or appointive office of a public entity;

(5) "Sexual crime" means any offense under title 39, chapter 13, part 5; title 39, chapter 17, part 10; § 39-13-111; § 39-13-605; § 39-15-302; § 39-15-401; or § 39-15-402; and

(6) "Sexual harassment" means a form of sex discrimination as defined by Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e et seq.).

(b)

(1) Except as provided in subdivision (b)(2), no public funds shall be expended to settle a claim or action resulting from an incident of sexual harassment or a sexual crime in which a public official is found guilty or responsible, or reaches a settlement in connection with an allegation of sexual harassment or a sexual crime, that occurred while the official was serving as a public official.

(2) If a public official is found by a decision of a hearing officer, a court, or other judicial body established by a public entity, to be unable to pay the award or settlement as described in subdivision (b)(1), public funds may be used to pay the award or settlement; provided, that the public official shall reimburse the public entity for the amount of the award or settlement for the claim or action involved.

(c) No public official shall expend campaign funds from a campaign account to settle a claim or action resulting from an incident of sexual harassment or a sexual crime in which the public official is found guilty or responsible, or reaches a settlement in connection with an allegation of sexual harassment or a sexual crime, that occurred while the official was serving as a public official.

(d) The department of finance and administration, in the case of public funds held by the state, and the office of the director of accounts and budgets or similar agency, in the case of public funds held by a political subdivision, must determine the form and timing of any reimbursement pursuant to subdivision (b)(2), including any withholding of portions of the salary or other payments from a public entity to the public official.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.