

HOUSE BILL 2659

By Faulkner

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 24, Part 1 and Title 38, Chapter 8, relative to complaints against certain law enforcement officers and firefighters.

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 as a new, appropriately designated section:

Section 38-8-3__.

(a) Notwithstanding any other provision of law or departmental rule to the contrary, any complaint lodged against a law enforcement officer who is certified by the commission pursuant to § 38-8-107 must be:

- (1) In writing; and
- (2) Signed by the person making the complaint.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 3, is further amended by adding the following as a new, appropriately designated section:

Section 38-8-3__.

(a) Notwithstanding any other provision of law or departmental rule to the contrary, a law enforcement officer who is certified by the commission pursuant to § 38-8-107 shall be given a signed copy of the complaint lodged against the officer within five (5) business days after the complaint is filed.

(b) Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer.

(c) In addition to the requirement of subsection (b), the officer may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:

- (1) The complaint is investigated; and
- (2) There is evidence to prove the allegation of misconduct.

SECTION 3. Tennessee Code Annotated, Title 4, Chapter 24, Part 1, is amended by adding the following new section:

Section 4-24-113.

(a) Notwithstanding any other provision of law or departmental rule to the contrary, any complaint lodged against a firefighter who has successfully completed the minimum applicable training requirements required by § 4-24-112, must be:

- (1) In writing; and
- (2) Signed by the person making the complaint.

(b) Notwithstanding any other provision of law or departmental rule to the contrary, a firefighter who has successfully completed the minimum applicable training requirements required by § 4-24-112, shall be given a signed copy of the complaint lodged against the firefighter within five (5) business days after the complaint is filed.

(c) Disciplinary action may not be taken against the firefighter unless a copy of the signed complaint is given to the firefighter.

(d) In addition to the requirement of subsection (b), the firefighter may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:

- (1) The complaint is investigated; and
- (2) There is evidence to prove the allegation of misconduct.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.