

SENATE BILL 5

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 37,
Chapter 3, Part 8, relative to the Tennessee
Second Look commission.

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

SECTION 1. Tennessee Code Annotated, Section 37-3-804(a), is amended by adding the following language as new subdivisions (15) and (16):

(15) One (1) member of the public to be appointed by the speaker of the senate;
and

(16) One (1) member of the public to be appointed by the speaker of the house
of representatives.

SECTION 2. Tennessee Code Annotated, Section 37-3-804, is amended by adding the following language as new subsection (d):

(d) Prior to the appointment of a person as a public member under subdivision (a)(15) or (16), the speaker appointing the person shall submit the name of the potential appointee to the Tennessee bureau of investigation and the Tennessee bureau of investigation, pursuant to § 38-6-109, shall conduct a criminal history records check on the person. The Tennessee bureau of investigation may contract with the federal bureau of investigation, other law enforcement agency or any other legally authorized entity to assist in such investigation. The person shall supply a fingerprint sample on request and in the manner requested by the investigating entity. The Tennessee bureau of investigation shall conduct such investigation as soon as practicable after submission of the name by the speaker appointing the person. The potential appointee shall pay the cost of the records check. The results of the records check shall not be considered a record open to the public pursuant to title 10, chapter 7, part 5.

SECTION 3. Tennessee Code Annotated, Section 37-3-804(b)(1)(B), is amended by deleting the language "(a)(7)-(14)" wherever it appears and by substituting instead the language "(a)(7)-(16)".

SECTION 4. Tennessee Code Annotated, Section 37-3-804(b)(2), is amended by designating the existing language as subdivision (A) and by adding the following language as new subdivision (B):

(B) Members of the commission appointed pursuant to subdivisions (a)(15) and (16) shall serve initial terms of two (2) years.

SECTION 5. Tennessee Code Annotated, Section 37-3-804(b)(4)(A), is amended by adding the language "of members under subdivisions (a)(7)-(14)" between the language "Initial appointments" and the language "shall be made".

SECTION 6. Tennessee Code Annotated, Section 37-3-804(b)(4)(A), is further amended by designating the existing language as subdivision (i) and by adding the following language as new subdivision (ii):

(ii) Initial appointments of members under subdivisions (a)(15) and (16) shall be made no later than February 1, 2014. All subsequent appointments shall be made no later than February 1 of the year in which an appointment is due to be made. Subdivisions (b)(4)(B) and (C) shall apply to appointments made under subdivisions (a)(15) and (16).

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.