

SENATE BILL 355

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2, relative to civil seizures and forfeitures.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 33, Part 2, is amended by adding the following as a new, appropriately designated section:

If a motor vehicle is searched for items subject to seizure and forfeiture pursuant to this part and, during the course of the search, the vehicle is dismantled, damaged, or adversely altered in any manner, the applicable agency shall be responsible for all reasonable costs incurred in restoring the vehicle to its original condition at the time of the search if, following the search of the vehicle:

(1) No item subject to seizure is found, and no charge is brought against the driver of the vehicle or any passenger;

(2) A seizure is made, no charge is brought against the driver of the vehicle or any passenger, and the petition for a forfeiture warrant is denied pursuant to § 40-33-204(h); or

(3) A seizure is made, no charge is brought against the driver of the vehicle or any passenger, and the petition for a forfeiture warrant is granted, but the hearing officer determines that the applicable agency failed to carry its burden of proof pursuant to § 40-33-210(b)(1).

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.