

SENATE BILL 394

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 39,  
relative to harassment and bullying.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-308, is amended by deleting subdivision (e)(3) in its entirety and substituting instead the following:

(3) "Log files" mean computer-generated lists that contain various types of information regarding the activities of a computer, including, but not limited to, time of access to certain records, processes running on a computer, the usage of certain computer resources, or the Internet protocol (IP) address of the computer or other electronic device used to send, post, or display the unlawful communication or image; and

SECTION 2. Tennessee Code Annotated, Section 39-17-308, is further amended by deleting subdivision (d)(3)(A)(iii) in its entirety and substituting instead the following:

(iii) Has the consent of the person who sent, posted or displayed any log files and images or communications on the social network service's web site maintained by the electronic communications service provider; provided that if such person sent, posted or displayed the images or communications on a social network service's web site anonymously or in a manner in which the true identification of such person cannot reasonably be ascertained, then it shall be deemed that such person has given consent to the disclosure of the log files and images or communications sent, posted or displayed by such person on the social network service's web site pursuant to this subdivision (d)(3)(A). This subdivision (d)(3)(A)(iii) shall not be construed to authorize or allow any governmental entity responsible for enforcing subdivision (a)(4) to use this subdivision

(d)(3)(A)(iii) to acquire the disclosure of the log files and images or communications sent, posted or displayed by a person on a social network service's web site in reference to any matter other than an investigation of a violation of subdivision (a)(4).

SECTION 3. Tennessee Code Annotated, Section 39-17-308(d)(3)(B), is amended by deleting "warrant." at the end of the subdivision and substituting instead "warrant or in accordance with subdivision (d)(3)(A)(iii)."

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it.