

SENATE BILL 418

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Section 40-11-139 and Section 40-11-142, relative to the release of defendants.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-139, is amended by adding the following new subsections:

(d) If a court issues a bench warrant due to a defendant's failure to appear on a felony or a Class A or Class B misdemeanor or if a defendant is charged with a failure to appear, then the defendant shall be placed on any available state or federal list or database as a fugitive from justice, without limitation, within ten (10) days of the defendant's failure to appear. A surety is not liable for any undertaking if the defendant has not been placed on such a database within the time required by law.

(e) The surety is only responsible for costs in accordance with § 40-11-201.

SECTION 2. Tennessee Code Annotated, Section 40-11-142(a), is amended by deleting the subsection and substituting instead the following language:

(a) After an officer arrests a person, but prior to the determination of bail for the arrest offense by the judge or magistrate, the arresting officer or the officer's agency must exercise due diligence in determining the existence of prior arrests.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.