

SENATE BILL 509

By Faulk

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 3, Part 6, relative to orders of protection.

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

SECTION 1. Tennessee Code Annotated, Section 36-3-617, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) Notwithstanding any other law to the contrary, no domestic abuse victim, stalking victim or sexual assault victim shall be required to bear the costs, including any court costs, filing fees, litigation taxes or any other costs associated with the filing, issuance, registration, service, dismissal or nonsuit, appeal or enforcement of an ex parte order of protection, order of protection, or a petition for either such order, whether issued inside or outside the state. If the court, after the hearing on the petition, issues or extends an order of protection, all court costs, filing fees, litigation taxes and attorney fees shall be assessed against the respondent.

(2) If the court does not issue or extend an order of protection, the court may assess all court costs, filing fees, litigation taxes and attorney fees against the petitioner if the court conducts a hearing separate from the hearing on the petition and determines the following:

(A) The petitioner is not a domestic abuse victim, stalking victim or sexual assault victim;

(B) The refusal to issue or extend an order is based on the finding set out in subdivision (a)(2)(A); and

(C) The petition was filed frivolously.

(3) For purposes of this subsection (a), “filed frivolously” means the petition is clearly lacking any basis in fact or law, or the petition is filed for the sole purpose of harassing the respondent.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.