

SENATE BILL 518

By McNally

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 7 and Title 40, Chapter 17, to enact the "Exclusionary Rule Reform Act".

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by adding the following as a new section thereto:

24-7-123.

(a) This act shall be known and may be cited as the "Exclusionary Rule Reform Act".

(b) Evidence that is obtained as a result of a search or seizure shall not be excluded in a proceeding in a state court on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

(c)

(1) Evidence shall not be excluded in a proceeding in a state court on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the supreme court pursuant to statutory authority.

(2) Evidence that is otherwise excludable under subdivision (c)(1) shall not be excluded if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that the search or seizure was in conformity with the statute, administrative rule or regulation, or rule of procedure, the violation of which occasioned its being excludable.

(d) This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.