

SENATE BILL 1291

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6; Title 39; Title 40 and Title 55, relative to a statewide 24/7 sobriety program.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, is amended by adding the following as a new part:

8-6-501.

There is established a statewide 24/7 sobriety program to be administered by the office of the attorney general and reporter. The program must coordinate efforts among various state and local government entities for the purpose of finding and implementing alternatives to incarceration for certain offenses that involve driving under the influence and other offenses involving alcohol, marijuana, or controlled substances.

8-6-502.

There is created in the state treasury the 24/7 sobriety fund. The fund must be maintained and administered by the office of the attorney general and reporter to defray costs of operating the 24/7 sobriety program, including purchasing and maintaining equipment and funding support services. The office of the attorney general and reporter may accept for deposit into the fund money from donations, gifts, grants, participation fees, and user fees or payments. Expenditures from the fund must be budgeted through the normal budget process. Unexpended funds and interest must remain in the fund.

8-6-503.

(a) Each county, through the county sheriff, may participate in the 24/7 sobriety program. If a sheriff is unwilling or unable to participate in the 24/7 sobriety program, the

sheriff may designate an entity willing to provide the service. If twice-a-day testing is ordered, the sheriff or designated entity shall establish the testing locations and times for each county with at least one (1) location and two (2) daily testing times approximately twelve (12) hours apart.

(b) The department of correction may participate in the 24/7 sobriety program for electronic alcohol monitoring device testing and mobile breath alcohol testing of a parolee.

8-6-504.

A court may condition any bond or pre-trial release upon participation in the 24/7 sobriety program and payment of associated costs and expenses by the defendant.

8-6-505.

A court may condition the granting of a suspended sentence or probation upon participation in the 24/7 sobriety program and payment of associated costs and expenses by the defendant.

8-6-506.

During any stage of a proceeding under title 37, chapter 1, the court may condition the placement or return of an apparent, alleged, or adjudicated dependent or neglected child on the child's parent or guardian participating in the 24/7 sobriety program and payment of associated costs and expenses.

8-6-507.

The board of parole may condition parole upon participation in the 24/7 sobriety program and payment of associated cost and expense.

8-6-508.

The office of the attorney general and reporter is authorized and directed to promulgate rules for the administration of this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and to:

- (1) Regulate the nature, method, and manner of testing;
- (2) Provide for procedures and apparatus for testing including electronic monitoring devices, ignition interlock devices, and mobile breath alcohol testing devices; and
- (3) Require the submission of reports and information by law enforcement agencies within this state.

8-6-509.

Any fees collected under this part must be distributed as follows:

(1) Any daily user fee collected in the administration of twice-a-day testing, drug patch testing, or urinalysis testing under the 24/7 sobriety program must be collected by the sheriff, or an entity designated by the sheriff, and deposited with the county treasurer of the proper county. The proceeds may be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance;

(2) Any installation fee and deactivation fee collected in the administration of electronic alcohol monitoring device testing or mobile breath alcohol testing must be collected by the sheriff, or an entity designated by the sheriff, and deposited with the county treasurer of the proper county. The proceeds may be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance;

(3) Any daily user fee collected in the administration of electronic alcohol monitoring device testing or mobile breath alcohol testing, arising from a court ordered placement in the 24/7 sobriety program, must be collected by the sheriff, or an entity designated by the sheriff, and deposited in the state 24/7 sobriety fund created by § 8-6-502. If the test is directed by the board of parole or the department of correction, the fees must be collected and deposited as provided in a written directive between the attorney general and reporter and the board of parole or the department of correction;

(4) The department of correction may collect an installation fee and a deactivation fee for the administration of electronic alcohol monitoring device testing and mobile breath alcohol testing. These fees must be deposited into the state general fund;

(5) Any enrollment and monitoring fee collected in the administration of ignition interlock device testing must be collected by the sheriff, or an entity designated by the sheriff, and deposited with the county treasurer of the proper county. The proceeds may be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance; and

(6) Any participation fee collected in the administration of testing under the 24/7 sobriety program to cover program administration costs incurred by the office of the attorney general and reporter must be collected by the sheriff, or an entity designated by the sheriff, and deposited in the state 24/7 sobriety fund created by § 8-6-502.

SECTION 2. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.