

SENATE BILL 1713

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 20, Part 2 and Title 38, Chapter 3, Part 1, relative to the duties of conservators of the peace.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following as a new section:

38-3-124.

(a)

(1) In the event of a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance, the primary duty of a conservator of the peace, as defined in § 38-3-102 and § 38-3-103, is to prevent or minimize injury or death to persons and loss or damage to property, both public and private, that may occur as the result of the breach of the peace.

(2) For the reasons stated in subdivision (1), a directive, order, command, or other statement made by the mayor, county executive, or any other local governmental official or group that directly or indirectly prevents or hinders a conservator of the peace from performing the conservator's primary duty to protect lives and property under circumstances set out in subdivision (1) is an unlawful and unenforceable order and the conservator of the peace shall refuse to follow or obey the order.

(3) A conservator of the peace who disobeys an unlawful order pursuant to this subsection shall be immune from any adverse civil or

criminal liability, or adverse employment consequences as a result of failing to obey the order.

(b) No mayor, county executive, or other local governmental official shall issue a directive, order, command, or other statement that is unlawful and unenforceable pursuant to this section. Issuance of a directive, order, command, or other statement knowing that it is unlawful and unenforceable pursuant to this section shall be grounds for ouster of the governmental official pursuant to Title 8, Chapter 47.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 20, Part 2, is amended by adding the following new section:

29-20-210.

Immunity from suit of all governmental entities but the state is removed for death or injury to any person, or loss or damage to property resulting from riots, unlawful assemblies, public demonstrations, mob violence, and civil disturbances if:

(1) The person who suffered the death, injury, or loss or damage to property is not a party to the breach of the peace, as evidenced by a criminal conviction; and

(2) The death, injury, or loss or damage to property was the proximate cause of a directive, order, command, or other statement of a local governmental official in violation of § 38-3-124(b) and the directive, order, command, or other statement prevented a conservator of the peace from carrying out the conservator's primary duty under § 38-3-124(a)(1).

SECTION 3. Tennessee Code Annotated, Section 29-20-205, is amended by deleting subdivision (7) and substituting instead the following:

(7) Or results from riots, unlawful assemblies, public demonstrations, mob violence, and civil disturbances, unless § 29-20-210 is applicable;

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.