

SENATE BILL 1714

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 40 and Title 55, relative to unlawful presence.

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

SECTION 1. Tennessee Code Annotated, Section 40-33-201, is amended by adding the language "§ 55-10-209," after the language "§ 47-25-1105, § 53-11-451,".

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 10, Part 2, is amended by adding the following language as a new, appropriately designated section:

55-10-209.

(a) An officer shall request verification of the immigration status of any person from the federal immigration authorities, pursuant to 8 U.S.C. § 1373(c) if:

(1) The officer makes a lawful stop or detention of the person for a violation of chapters 8 and 9 of this title and parts 1-5 of this chapter;

(2) The person fails to provide an unexpired driver license;

(3) The officer has reasonable suspicion to believe that the person stopped or detained is unlawfully present in the United States; and

(4) Requesting such verification would not hinder or obstruct a criminal investigation or the treatment of a medical emergency.

(b) If an officer verifies the person's immigration status pursuant to subsection (a), and the person is unlawfully present in the United States, then the officer shall immediately cause the seizure of the person's vehicle. Upon seizure and impoundment, the title owner and lienholders of the vehicle shall be notified as provided in title 40, chapter 33, part 2; provided, that any contradictory language in this subsection (b) shall be controlling. Any person asserting a claim to the vehicle shall have sixty (60) days to

make such claim in the manner provided in § 40-33-206. If no claim is filed within such sixty-day period, then the vehicle shall be forfeited and sold at auction with all proceeds of the sale going to the law enforcement agency of the officer. If a claim is filed, a hearing shall be conducted as provided in § 40-33-210.

(c) For purposes of this section, "driver license" means a Tennessee driver license, or a driver license from another state that requires lawful presence for issuance.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.