

SENATE BILL 1767

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6, Part 1, relative to criminal history record checks.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section:

38-6-123.

(a) As used in this section:

(1) "Personal identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including:

(A) Name, social security number, date of birth, official state or government issued driver license or identification number, alien registration number, passport number, employer or taxpayer identification number, or Edison identification number;

(B) Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;

(C) Unique electronic identification number, address, routing code, or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data;

(D) Telecommunication identifying information or access device;

or

(E) Any name, number, information, medical prescribing pad, electronic message, or form used by a physician, nurse practitioner, or other health care provider for prescribing a controlled substance.

(2)

(A) "Sensitive information" means any information, the loss, misuse, or unauthorized access to or modification of which, could adversely impact the interests of this state in carrying out the statutory and constitutional functions of government, or the privacy to which individuals employed by, otherwise working for, or working with this state are entitled.

(B) "Sensitive information" includes:

(i) Information that is made confidential by § 10-7-504 or any other law or rule of court that expressly states the information is not a public record and not open for public inspection; and

(ii) Personal identifying information on any person employed by this state who is under contract to perform specific duties for this state or any person doing business, or who submits a bid for business, with this state; and

(3) "Top level government official" means the governor, speaker of the senate, speaker of the house of representatives, chief justice of the supreme court, secretary of state, comptroller of the treasury, treasurer, and the state homeland security advisor.

(b)

(1) A top level government official is authorized to request the director of the Tennessee bureau of investigation to conduct a background investigation concerning any person who has unsupervised access to or may come into unsupervised contact with any sensitive

information or identifying information, including any such information that may be at the private residence of the official, in the motor vehicle of the official or is otherwise the personal property of a top level government official.

(2) The background investigation shall, at least, consist of fingerprint checks against the state and federal criminal history records maintained by the Tennessee bureau of investigation and the federal bureau of investigation.

(3) Each top level government official may determine, in writing and in consultation with the Tennessee bureau of investigation, the protocol and procedure by which the fingerprint samples are collected and the procedure for transmitting the samples to the bureau. The method of collection may also include the person or persons who are authorized to collect the fingerprint sample.

(4) Any requested background investigation by a top level government official shall be in writing and shall state specifically the reasons for such request. A top level government official may designate in writing an agent or designee to make written background investigation requests on behalf of the official.

SECTION 2. For the purpose of devising a background investigation protocol and procedure by each top level government official as authorized in Section 1, this act shall take effect upon becoming a law, the public welfare requiring it. For the purpose or requesting background investigations and the other purposes of this act, it shall take effect July 1, 2014, the public welfare requiring it.