

SENATE BILL 2304

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Section 40-11-139 and Section 40-11-142, relative to release of defendants.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-139, is amended by deleting subsection (d) and substituting:

(d) If a court issues a bench warrant due to a defendant's failure to appear on a felony or a Class A or Class B misdemeanor that is violent or sexual in nature as determined by the court, or if a defendant is charged with a failure to appear, then the defendant shall be placed on any available state or federal list or database as a fugitive from justice, without limitation, within ten (10) days of the date the bench warrant is received by the law enforcement agency. A surety is not liable for any undertaking if the defendant has not been placed on such a database within the time required by law.

SECTION 2. Tennessee Code Annotated, Section 40-11-142(a), is amended by deleting the subsection and substituting instead the following language:

(a) After an officer arrests a person, but prior to the determination of bail for the arrest offense by the judge or magistrate, due diligence must be exercised in determining the existence of any prior arrest or conviction. The results of this investigation must be made a part of the person's law enforcement file.

SECTION 3. Tennessee Code Annotated, Section 40-11-142(b), is amended by deleting "means the officer makes" and substituting "means making" and by deleting "to which the officer or officer's agency has access".

SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.