



State of Tennessee

PUBLIC CHAPTER NO. 874

SENATE BILL NO. 2654

By White

Substituted for: House Bill No. 2790

By Littleton, Moody, Hardaway, Todd, Bricken, Wright

AN ACT to amend Tennessee Code Annotated, Title 40, relative to monitoring devices.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118(g), is amended by deleting the subsection and substituting:

(g)(1) Except as provided in subdivision (g)(2), if a person is required as a condition of bond to submit to transdermal monitoring, global positioning monitoring, as defined in § 40-11-152, or other alternative monitoring, it is a Class B misdemeanor:

(A) For that person to knowingly tamper with, remove, or vandalize the monitoring device; or

(B) For any person to knowingly aid, abet, or assist the person in tampering with, removing, or vandalizing a monitoring device.

(2) If a person violates subdivision (g)(1) and the monitoring device is damaged as a result of the violation, then the offense may be punished as theft under § 39-14-105, after determining value under § 39-11-106.

(3) If an entity monitoring the device becomes aware that there has been an attempt to tamper with, disable, remove, or otherwise make the device ineffective, or if the bonding agent becomes aware the person has violated any bond condition ordered by the court, then the entity monitoring the device shall promptly give notice of the violation to the court with jurisdiction over the person and the surety of the person's bail bond.

(4) The court shall take such action as the case may require, including, but not limited to, the revocation of bail. Additionally, the violation also constitutes grounds for surrender under § 40-11-132.

SECTION 2. Tennessee Code Annotated, Section 40-28-117, is amended by adding the following new subsection:

(c)(1) Except as provided in subdivision (c)(2), if a prisoner released on parole is required as a condition of parole to submit to transdermal monitoring or other alternative monitoring, it is a Class B misdemeanor:

(A) For the prisoner to knowingly tamper with, remove, or vandalize the monitoring device; or

(B) For any person to knowingly aid, abet, or assist the prisoner in tampering with, removing, or vandalizing a monitoring device.

(2) If a person violates subdivision (c)(1) and the monitoring device is damaged as a result of the violation, then the offense may be punished as theft under § 39-14-105, after determining value under § 39-11-106.

(3) If an entity monitoring the device becomes aware that there has been an attempt to tamper with, disable, remove, or otherwise make the device ineffective, then the entity monitoring the device must promptly give notice of the violation to the department of correction.

SECTION 3. Tennessee Code Annotated, Section 40-35-303, is amended by adding the following new section:

(q)(1) Except as provided in subdivision (q)(2), if an offender is required as a condition of probation to submit to transdermal monitoring or other alternative monitoring, it is a Class B misdemeanor:

(A) For the offender to knowingly tamper with, remove, or vandalize the monitoring device; or

(B) For any person to knowingly aid, abet, or assist the offender in tampering with, removing, or vandalizing a monitoring device.

(2) If a person violates subdivision (q)(1) and the monitoring device is damaged as a result of the violation, then the offense may be punished as theft under § 39-14-105, after determining value under § 39-11-106.

(3) If an entity monitoring the device becomes aware that there has been an attempt to tamper with, disable, remove, or otherwise make the device ineffective, then the entity monitoring the device shall promptly give notice of the violation to the offender's probation officer.

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

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PASSED: April 15, 2024



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2024



BILL LEE, GOVERNOR