

SENATE BILL 2703

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16 and Title 55, Chapter 8, relative to traffic offense quotas.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by adding the following new section:

39-16-516.

(a) A political subdivision or any agency of this state may not establish or maintain, formally or informally, a plan to evaluate, promote, compensate, or discipline a law enforcement officer according to the officer's issuance of a predetermined or specified number of any type or combination of types of traffic citations.

(b) A political subdivision or any agency of this state may not require or suggest to a law enforcement officer that the law enforcement officer is required or expected to issue a predetermined or specified number of any type or combination of types of traffic citations within a specified period.

(c) A violation of this section by an elected official is misconduct in office under § 8-47-101 and Article VI, Section 6 of the Constitution of Tennessee, and a ground for removal from office. A violation of this section by a person who is not an elected official is a ground for disciplinary action, including removal from the person's position.

(d) Nothing in this section shall prohibit a municipal corporation, a political subdivision or any agency of this state, from establishing performance

standards for law enforcement officers that include issuance of traffic citations, but do not require issuance of a predetermined or specified number or any type or combination of types of citations as the sole means of meeting such performance standards.

(e) As used in this section:

(1) "Conviction" means the rendition of an order by a court imposing a punishment of incarceration or a fine; and

(2) "Traffic offense" means an offense under title 55.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.