

Amendment No. 1 to SB2172

Bell  
Signature of Sponsor

**AMEND Senate Bill No. 2172\***

**House Bill No. 2307**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b), is amended by adding the following as new subdivisions:

- ( ) "Relevant matter" means a matter involving:
  - (A) Adjudication of a youth as delinquent, unruly, or a traffic violator under juvenile court jurisdiction;
  - (B) Criminal prosecution of any defendant who is a youth; or
  - (C) A violation of a municipal code by a youth;
- ( ) "Youth" means an individual who is:
  - (A) Under the jurisdiction of juvenile court; or
  - (B)
    - (i) Under eighteen (18) years of age; and
    - (ii) Under the jurisdiction of another court.

SECTION 2. Tennessee Code Annotated, Section 8-14-105(a), is amended by deleting the first sentence of the subsection and substituting instead the following:

When any person appears without counsel before any court of this state exercising original jurisdiction (whether magistrate, general sessions, municipal, circuit, criminal, or any court empowered to deprive the person of liberty) upon a criminal prosecution involving a possible deprivation of liberty, the court shall inquire whether such person is financially able to employ counsel.

SECTION 3. Tennessee Code Annotated, Section 8-14-105(d), is amended by adding the following language as new subdivision (d)(3):

(3) Youths, as defined in § 37-1-102, are presumed indigent for the purposes of counsel in any court of this state and, if the court appoints counsel to represent the youth in a relevant matter, as defined in § 37-1-102, such appointment must be made at no cost to the youth or the youth's parent, legal guardian, or legal custodian, or any adult defendant or respondent of the youth who is provided with court-appointed counsel.

SECTION 4. Tennessee Code Annotated, Section 8-21-401(b)(1)(C)(i), is amended by deleting the language "juvenile court,".

SECTION 5. Tennessee Code Annotated, Section 8-21-401(b)(1)(E), is amended by redesignating the current subdivision as subdivision (b)(1)(E)(i) and adding the following new subdivision:

- (ii) The court cost described in subdivision (b)(1)(E)(i) does not apply to:
  - (a) Child support modifications in juvenile delinquency matters; or
  - (b) Child support as paid by parents, legal guardians, or legal custodians to a secure or nonsecure detention facility for costs and services related to the commitment of a child for a delinquency matter to department of children's services custody, except as required pursuant to Title IV of the Social Security Act (42 U.S.C. § 651 et seq.).

SECTION 6. Tennessee Code Annotated, Section 8-21-401(e), is amended by deleting the subsection and substituting instead the following:

- (e) Fees for Specified Proceedings in Juvenile Court.
  - (1) Unless otherwise provided in this section, court clerks in juvenile proceedings shall charge a standard court cost of one hundred dollars (\$100). This fee applies to all juvenile proceedings, including, but not limited to, requests to establish support or nonsupport, proceedings related to parentage, paternity

cases, and legitimations, and except those involving relevant matters as defined in § 37-1-102.

(2)

(A) For requests for modification of child support, the clerk shall charge a fee of seventy-five dollars (\$75.00).

(B) The fee described in this subdivision (e)(2)(A) does not apply to child support modifications in juvenile delinquency matters or to child support for costs and services related to the commitment of a child for a delinquency matter to department of children's services custody, except as required pursuant to Title IV of the Social Security Act (42 U.S.C. § 651 et seq.).

(3)

(A) In the following actions, the clerk of the juvenile court shall charge a fee of forty-two dollars (\$42.00): consent orders, voluntary motions to grant custody, marriage waivers, attachment pro corpus, and bench warrants.

(B) Subdivision (e)(3)(A) does not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians of youths in relevant matters, as defined in § 37-1-102.

(4)

(A) In the following actions, the clerk of the juvenile court shall charge a fee of twenty-five dollars (\$25.00): restricted licenses, drug screenings, entering orders of appeal and taking appeal bonds, entering judgments from appellate court, entering orders allowing rehearing, and special pleas.

(B) Subdivision (e)(4)(A) does not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians of youths in relevant matters, as defined in § 37-1-102.

SECTION 7. Tennessee Code Annotated, Section 8-21-401(i), is amended by deleting the language "juvenile,".

SECTION 8. Tennessee Code Annotated, Section 8-21-401, is amended by adding the following language as a new subsection (p):

(p) Subdivisions (a)-(o) do not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians of youths in relevant matters, as defined in § 37-1-102, in any court of this state.

SECTION 9. Tennessee Code Annotated, Section 8-21-402, is amended by deleting the section and substituting instead:

The clerks of all special juvenile courts and all courts of general sessions having juvenile court jurisdiction shall not collect any fee from any person who:

- (1) Enters a plea of guilty;
- (2) Enters a plea of nolo contendere;
- (3) Is adjudicated at trial, or whose case is handled under pretrial diversion or retirement;
- (4) Is found in violation of the terms and conditions of a probationary or valid court order; or
- (5) Is a youth, as defined in § 37-1-102, legal guardian, or legal custodian of a youth in a relevant matter, as defined in § 37-1-102.

SECTION 10. Tennessee Code Annotated, Section 8-21-403, is amended by adding the following new subsection:

(c) The clerk's fee described in subsection (a) does not apply to child support payments in relation to juvenile delinquency matters or to child support as paid by parents, legal guardians, or legal custodians for costs and services related to the

commitment of a child for a delinquency matter to department of children's services custody, except as required pursuant to Title IV of the Social Security Act (42 U.S.C. § 651 et seq.).

SECTION 11. Tennessee Code Annotated, Section 16-15-706, is amended by redesignating the current language as subsection (a) and adding the following new subsection:

(b) The fee for a guardian ad litem described in subsection (a) does not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians of youths in relevant matters, as defined in § 37-1-102, in any court of this state.

SECTION 12. Tennessee Code Annotated, Section 16-20-106, is amended by deleting the language "and juvenile courts" wherever it appears and adding the following new subsection:

(h) The litigation taxes described in subsections (a)-(g) do not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians of youths in relevant matters, as defined in § 37-1-102, in any court of this state.

SECTION 13. Tennessee Code Annotated, Section 37-1-126(c), is amended by deleting the subsection and substituting instead the following:

(c) Parents, legal custodians, or guardians, or any adult defendants or respondents whose child is provided with court-appointed counsel pursuant to this section, or who themselves are provided with court-appointed counsel pursuant to this section, shall not be assessed administrative fees for court-appointed counsel for the child or themselves, or the appointment of a guardian ad litem.

SECTION 14. Tennessee Code Annotated, Section 37-1-138, is amended by adding the following subsection:

(d) Subsection (a) does not apply as related to juveniles committed for a delinquency matter to department of children's services custody, except as required pursuant to Title IV of the Social Security Act (42 U.S.C. § 651 et seq.).

SECTION 15. Tennessee Code Annotated, Section 37-1-146(b), is amended by deleting the subsection and substituting instead the following:

(b)

(1) If the court finds that the child violated a traffic law or ordinance, then the court may adjudicate the child to be a traffic violator, and the court may make one (1) or any combination of the following decisions:

(A) Suspend and hold the child's driver license for a specified or indefinite time;

(B) Limit the child's driving privileges as an order of the court;

(C) Order the child to attend traffic school, if available, or to receive driving instructions;

(D) Order the child to perform community service work in lieu of a fine, at no cost to the child or the parent, legal guardian, or legal custodian of the child; or

(E) Place the child on probation pursuant to § 37-1-131(a)(2).

(2) The court shall not charge any administrative fee to the child or the parent, legal guardian, or legal custodian of the child for participation in traffic school or driving instructions as described in subdivision (b)(1)(C).

SECTION 16. Tennessee Code Annotated, Section 37-1-150(d), is amended by deleting subsections (d) and (g) in their entireties and adding the following new subsection:

( ) This section does not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians of youths in relevant matters, as defined in § 37-1-102, in any court of this state.

SECTION 17. Tennessee Code Annotated, Section 37-1-151, is amended by adding the following new subsection:

(f) Subsections (a)-(e) do not apply to child support modifications in juvenile delinquency matters or to child support for costs and services related to the commitment

of a child for a delinquency matter to department of children's services custody, except as required pursuant to Title IV of the Social Security Act (42 U.S.C. § 651 et seq.).

SECTION 18. Tennessee Code Annotated, Section 37-1-163, is amended by deleting subsection (a) and substituting instead the following:

(a) Financial obligations shall not be assessed against a child, or the parent, legal custodian, or legal guardian of the child in a delinquent or unruly case, including in any order of disposition under § 37-1-131 or § 37-1-132, though this does not affect the assessment of restitution pursuant to § 37-1-131(b).

SECTION 19. Tennessee Code Annotated, Section 37-1-163, is amended by deleting the language "any financial obligations or" wherever it appears in subsections (b) and (c).

SECTION 20. Tennessee Code Annotated, Section 37-1-163, is amended by deleting subsections (d) and (e) and substituting instead the following:

(d) The court shall consider the child's parents', legal custodians', or guardians' financial ability to pay in determining the amount of restitution assessed by the state or county as described in this part. The court may decline to assess restitution if the court determines that assessment would pose financial hardship to the parents, legal custodians, or guardians.

(e) Any restitution ordered shall not be referred to any collection service as defined by § 62-20-102.

SECTION 21. Tennessee Code Annotated, Section 37-1-209, is amended by deleting the section and substituting instead the following:

All moneys derived from fines assessed by the judge and collected by the clerk must be paid to the county, or, in the case of a juvenile court serving more than one (1) county, revenue must be disbursed in accordance with the contract between the various county governments.

SECTION 22. Tennessee Code Annotated, Section 37-5-205, is amended by adding the following new subsection (d):

(d) Neither a child nor the parent, legal guardian, or legal custodian of such child is financially liable for any of the fees, costs, or expenses described in subsections (a)-(c).

SECTION 23. Tennessee Code Annotated, Section 37-11-103, is amended by deleting the section in its entirety.

SECTION 24. Tennessee Code Annotated, Section 40-14-202(b), is amended by redesignating the current language as subdivision (b)(1) and adding the following new subdivision (b)(2):

(2) Youths, as defined in § 37-1-102, are presumed indigent for the purposes of counsel in any court of this state and, if the court appoints counsel to represent the youth in a relevant matter, as defined in § 37-1-102, such appointment must be made at no cost to the youth or a parent, legal custodian, or legal guardian, or any adult defendant or respondent of the youth who is provided with court-appointed counsel.

SECTION 25. Tennessee Code Annotated, Section 41-6-105, is amended by deleting the section and substituting instead the following:

(a) When an inmate is employed pursuant to this part, the department shall require that the inmate turn over wages and salaries when received. The money must be deposited in a trust account and a ledger must be maintained reflecting the status of each individual account.

(b)

(1) Except as provided in subdivision (b)(2), each inmate is liable for reasonable charges for board as fixed by the commissioner of correction.

(2) Subdivision (b)(1) does not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians of youths in relevant matters, as defined in § 37-1-102.

SECTION 26. Tennessee Code Annotated, Section 49-6-3009(g), is amended by deleting the language "the judge may assess a fine of up to fifty dollars (\$50.00) or five (5)

hours of community service" and substituting instead the language "the judge may order five (5) hours of community service".

SECTION 27. Tennessee Code Annotated, Section 49-6-3009(g), is amended by adding the following language at the end of the subsection:

The judge shall not assess a fine against the parent, legal guardian, or legal custodian of the student in the event a student in kindergarten through grade twelve (K-12) is adjudicated to be unruly as a result of accumulating five (5) days or more of unexcused absences during any school year.

SECTION 28. Tennessee Code Annotated, Section 49-6-3011, is amended by deleting the section in its entirety.

SECTION 29. Tennessee Code Annotated, Section 49-6-3021(c)(2), is amended by deleting the language "the judge may assess a fine of up to fifty dollars (\$50.00) or five (5) hours of community service" and substituting instead the language "the judge may order five (5) hours of community service".

SECTION 30. Tennessee Code Annotated, Section 49-6-3021(c)(2), is amended by adding the following language at the end of the subsection:

The judge may not assess a fine to the child or the parent, legal guardian, or legal custodian of the child in the event a student in kindergarten through grade twelve (K-12) is adjudicated to be unruly as a result of unexcused absences from remedial instruction.

SECTION 31. Tennessee Code Annotated, Section 55-10-705(a)(3), is amended by deleting the language ", together with an application fee of twenty dollars (\$20.00),".

SECTION 32. Tennessee Code Annotated, Section 55-10-706(a), is amended by deleting the subsection and substituting instead the following:

(a) On the expiration of the applicable period of denial set out in § 55-10-702(a), if a person has not become eligible to receive a license under § 55-10-703, then, for a person to be eligible to receive a Tennessee driver license, the person must comply with all testing requirements and pay applicable driver license fees.

SECTION 33. Tennessee Code Annotated, Section 67-4-601, is amended by adding the following language as a new subsection (k):

(k) The litigation taxes described in subsections (a)-(j) do not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians in matters involving any defendant who is a youth.

SECTION 34. Tennessee Code Annotated, Section 67-4-602, is amended by adding the following language as a new subsection (n):

(n) The privilege taxes described in subsections (a)-(m) do not apply to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians in matters involving any defendant who is a youth.

SECTION 35. Tennessee Code Annotated, Title 67, Chapter 4, Part 6, is amended by adding the following new section:

No county or municipality in this state is authorized to levy fines, fees, costs, or taxes to youths, as defined in § 37-1-102, or parents, legal guardians, or legal custodians in matters involving any defendant who is a youth.

SECTION 36. Tennessee Code Annotated, Title 40, Chapter 24, is amended by adding the following new section:

In any relevant matter, as defined in § 37-1-102, in any court of this state, no youth, as defined in § 37-1-102, or parent, legal guardian, or legal custodian of a youth shall be ordered to pay fines, fees, costs, or a combination of fines, fees, and costs as described in § 8-21-901, § 8-26-105, § 8-26-107, § 16-3-910, § 16-15-713, § 16-15-718, § 16-15-5006, § 16-15-5008, § 16-18-305(a), § 16-18-305(b), § 16-18-306, § 16-22-109, § 38-6-103(d)(1)(A), § 39-13-708, § 39-17-417, § 39-17-420, § 39-17-439, § 40-3-203(a), § 40-3-203(d), § 40-3-204(b), § 40-3-206, § 40-7-122, § 40-14-103(b), § 40-14-202(f), § 40-14-210(a), § 40-24-101(b), § 40-24-107(a)(1)-(5), § 40-24-108(a), § 40-24-109, § 40-25-107, § 40-35-111(b), § 40-35-111(c), § 40-35-313(a)(1), § 40-35-320(a), § 40-39-305, § 41-2-112, § 41-2-129(b)(1), § 41-2-129(b)(3)-(4), § 41-2-129(c)(2), § 41-2-

129(c)(4), § 41-2-129(c)(6), § 41-2-139, § 41-4-142(a)-(b), § 41-6-106, § 41-6-206(a), § 41-6-303(a), § 41-7-104(c), § 41-11-103, § 41-21-105, § 41-21-217, § 41-21-510(b)-(c), § 41-21-511, § 41-21-807(b), § 41-21-808(b), § 49-6-3003(c), § 49-6-3203(b)-(c), § 55-10-207(e), § 55-10-403, § 55-10-413, § 55-10-703, § 57-3-412(a)(4), § 57-5-301(d)(3)(A), § 57-5-301(d)(3)(B), § 57-9-202(b)(3), § 62-38-211(d), or § 69-9-219(c)(7).

SECTION 37. Any judgment entered prior to July 1, 2022, for the fines, fees, costs, or taxes herein, is null, void, and uncollectible on July 1, 2022, if there remains a balance due, including post-judgment interest, penalties, or collection expenses, on the judgment as of that date; and if this act removes or repeals the underlying statutory authority for or would prohibit the assessment of the fine, fee, cost, or tax included in the judgment if the judgment had been entered after July 1, 2022. Any civil judgment, lien, or other legal encumbrance associated with these judgments is vacated. The court administrator may not charge any fees associated with the satisfaction of a judgment described in this section. By January 1, 2023, the administrative office of the courts, in consultation with state and municipal agencies, shall establish procedures to vacate and discharge all unpaid outstanding balances and all unsatisfied civil judgments, existing liens, and existing legal encumbrances that are subject to this section. The procedures shall not require a youth, as defined in Section 1 or the parent, legal guardian, or legal custodian of a youth to affirmatively act to initiate the procedures.

SECTION 38. This act does not prohibit a youth, as defined in Section 1, from being eligible for a diversion program if the youth is otherwise eligible. Judges shall offer a diversion alternative or program in any case where the judge otherwise would do so, including in the absence of the assessment of any fine, fee, or cost.

SECTION 39. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 40. This act takes effect July 1, 2022, the public welfare requiring it.