



April 1, 2024

SUMMARY OF BILL AS AMENDED (013738, 014661): Enacts the "*Representative Mike Carter Act*". Requires, when arresting a person for stalking, aggravated stalking, especially aggravated stalking, various sexual offenses related to domestic abuse or violations of an order of protection, the arresting officer to provide the alleged victim with a document that notifies the alleged victim of information pertaining to the use of global positioning monitoring (GPS) for such offenders and the victim's rights pertaining to the use of those systems.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-11-152(b), a magistrate may order a defendant who is arrested for the relevant offenses to carry or wear a GPS system. If the alleged victim of the offense consents, the magistrate may order the defendant to also pay the costs associated with providing the victim with an electronic receptor device that is capable of receiving the GPS system information from the device carried or worn by the defendant and notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near.
- Pursuant to Tenn. Code Ann. § 40-11-152(c), before imposing such conditions, the magistrate must afford an alleged victim an opportunity to provide the magistrate with a list of areas from which the victim would like the defendant excluded and shall consider the victim's request, if any, in determining the locations the defendant will be ordered to refrain from going to or near.
- Pursuant to Tenn. Code Ann. § 40-11-152(d), before imposing such conditions, the magistrate must provide to an alleged victim information regarding:
 - 1) the victim's right to participate in a GPS system or to refuse to participate in that system and the procedure for requesting that the magistrate terminate the victim's participation;
 - 2) the manner in which the GPS system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements;
 - 3) any locations that the defendant is ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations;

- 4) any sanctions that the magistrate may impose on the defendant for violating a condition of bond imposed under this section;
 - 5) the procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the GPS system equipment fails;
 - 6) community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence; and
 - 7) the fact that the victim's communications with the magistrate concerning the GPS system and any restrictions to be imposed on the defendant's movements are not confidential.
- The proposed legislation requires an arresting officer to provide the following information to the alleged victim of any such offenses upon arresting the offender:
 - 1) when considering bail, the magistrate may order the person who is arrested to carry or wear a GPS system device;
 - 2) the victim's right to participate in a GPS system or to refuse to participate in the system and the procedure for requesting the magistrate to terminate the victim's participation;
 - 3) the manner in which the GPS system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements;
 - 4) the fact that the victim's communications with the magistrate concerning the GPS system and any restrictions to be imposed on the defendant's movements are confidential; and
 - 5) any other information that the administrative office of the courts finds necessary to properly inform an alleged victim about the GPS system.
 - Notably, the legislation requires the arresting officer to provide information to an alleged victim that is not consistent with existing state law in that it requires the officer to inform the victim that the victim's communications with the magistrate concerning the GPS system and any restrictions to be imposed on the defendant's movements are confidential when, pursuant to Tenn. Code Ann. § 40-11-152(d)(7), they are not.
 - It is assumed that state and local law enforcement officers can comply with this requirement in the normal course of business without a significant increase in state or local expenditures.
 - Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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