

HOUSE BILL 57

By DeBerry

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 38, Chapter 1 and Section 49-7-118, relative
to racial profiling.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following language as a new part 5:

38-1-501. This part shall be known and may be cited as the “Racial Profiling Prevention Act.”

38-1-502. As used in this part:

(1) “Law enforcement agency”:

(A) Means a lawfully established state or local public agency that:

(i) Is responsible for preventing and detecting crime and enforcing laws or local ordinances; and

(ii) Has employees who are authorized to make arrests for crimes while acting within the scope of their authority; and

(B) Includes an institution considered a “law enforcement agency” pursuant to § 49-7-118; and

(2) “Racial profiling” means the detention, interdiction, or other disparate treatment of an individual solely on the basis of the individual’s actual or perceived race, color, ethnicity, or national origin.

38-1-503. Each law enforcement agency shall adopt a written policy that prohibits racial profiling by its employees. Each agency shall adopt its written policy on or before January 1, 2016.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it.