

HOUSE BILL 89

By Lamberth

AN ACT to amend Tennessee Code Annotated, Section 11-1-101; Section 11-3-107; Section 59-8-404 and Section 59-8-308, relative to law enforcement employees of the department of environment and conservation.

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

SECTION 1. Tennessee Code Annotated, Section 11-1-101, is amended by adding the following as a new, appropriately designated subsection:

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(1) In addition to the authority granted by chapters 3 and 6 of this title, the commissioner is authorized to commission as environmental investigation law enforcement officers those employees of the department who have successfully met standards of initial and recurrent training and qualification established by the commissioner pursuant to this subsection for the commissioning of employees as environmental investigation law enforcement officers. The standards must be substantially equivalent to those established by the Tennessee peace officer standards and training commission.

(2)

(A) For the sole purpose of carrying out the scope of assigned duties regarding environmentally-related criminal offenses within the jurisdiction of the department as specified or limited in the sole discretion of the commissioner, each employee commissioned pursuant to subdivision () (1) shall have all the powers and protections of a law

enforcement officer throughout this state, including, but not limited to, the authority to:

(i) Make arrests for public offenses, execute all warrants, and serve process in criminal and penal prosecutions for such offenses;

(ii) Carry weapons for the reasonable purposes of the employee's office while in the performance of the employee's assigned duties; and

(iii) Assist other local, state, and federal agencies in their law enforcement duties.

(B) When on duty, each employee commissioned pursuant to subdivision () (1) shall carry on the employee's person a badge and identification card that identify the commissioned employee as an officer of the department of environment and conservation. The commissioned employee shall exhibit the badge and identification card on demand and prior to making an arrest.

SECTION 2. Tennessee Code Annotated, Section 11-3-107(b), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) The employees commissioned under subdivision (b)(1) may also provide both law enforcement and search and rescue assistance outside of the areas described in subdivision (b)(1) at the request of local officials if the commissioner determines that such assistance is necessary for the protection of life, health, or safety. For the purposes of rendering such assistance, the commissioned employees shall have all the powers and protections of a law enforcement officer throughout the state.

SECTION 3. Tennessee Code Annotated, Section 59-8-308(1), is amended by deleting the subdivision and substituting instead the following:

(1) Employ and commission qualified individuals as provided in § 11-1-101;

SECTION 4. Tennessee Code Annotated, Section 59-8-404(8), is amended by deleting the subdivision and substituting instead the following:

(8) Employ and commission qualified individuals as provided in § 11-1-101;

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.