

HOUSE BILL 96

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 10, Chapter 7, Part 5; Title 36; Title
37; Title 38; Title 39; Title 40 and Title 41, relative
to witness protection.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, is amended by adding
the following as a new part:

38-6-301.

There is established the Tennessee witness protection and relocation program.

38-6-302.

(a) The department of finance and administration's office of criminal justice
programs shall administer the program.

(b) The purpose of the program is to create intrastate and interstate compacts to
coordinate witness protection, relocation, and assistance services within the state and
with contiguous states for the benefit of witnesses in criminal proceedings.

38-6-303.

(a) The office of criminal justice programs, in consultation with the attorney
general and reporter, shall compose a basic memorandum of understanding to be
executed by each law enforcement agency participating in the witness protection and
relocation program.

(b) Participating law enforcement agencies may provide witnesses with any of
the following:

- (1) Armed protection or escort by law enforcement officials or security personnel before, during, or subsequent to legal proceedings;
- (2) Physical relocation to an alternate residence;
- (3) Housing expenses;
- (4) Appropriate documents to establish a new identity, including documentation created in coordination with federal authorities;
- (5) Transportation or storage of personal possessions;
- (6) Basic living expenses, including food, transportation, utility costs, and health care;
- (7) Support, advocacy, and other services to provide for the safe transition of witnesses into a new environment; or
- (8) Other services as needed and approved by the office.

(c) The office shall issue appropriate guidelines and may promulgate rules to implement this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

38-6-304.

Information relating to law enforcement agencies participating in the witness protection and relocation program established by this chapter is confidential and not subject to disclosure under the open records law, compiled in title 10, chapter 7.

38-6-305.

(a) To assist in the implementation of this chapter, the office may solicit and receive grants, donations, and private funding.

(b) Program funds remaining unspent at the end of a fiscal year must be carried over into the budget of the program for the subsequent fiscal year, and must continue to be carried over from year to year until expended for the purposes prescribed in this part.

38-6-306.

By July 1 of each year, the office shall submit an annual report, in coordination with the attorney general and reporter, administrative office of the courts, district attorneys general conference, and district public defender's conference, to the senate judiciary and government operations committees and the criminal justice and government operations committees of the house of representatives. The report must include the number of law enforcement agencies participating in the program, the number of witness who have received assistance from the program in the previous year, and the result of any criminal proceedings involving the witnesses.

SECTION 2. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. For administrative and budgetary purposes, this bill takes effect July 1, 2023, the public welfare requiring it. For all other purposes, this bill takes effect January 1, 2024, the public welfare requiring it.