



State of Tennessee

PUBLIC CHAPTER NO. 441

SENATE BILL NO. 644

By Lundberg, Gardenhire

Substituted for: House Bill No. 813

By Hulsey, Faison, Daniel, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2, relative to civil asset forfeiture.

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

SECTION 1. Tennessee Code Annotated, Section 40-33-216, is amended by adding the following new subdivisions:

- (7) The total number of cases which resulted in a default by the property owner;
- (8) The total amount of currency forfeited as a result of default;
- (9) The total number of cases which resulted in a settlement;
- (10) The total amount of currency forfeited as a result of settlement;
- (11) The total amount of currency returned to the property owners as a result of settlement;
- (12) The total number of cases resulting in a hearing;
- (13) The total number of hearings resulting in forfeiture of assets;
- (14) The total amount of currency forfeited as a result of disposition by hearing; and
- (15) The total amount of currency returned to the property owners as a result of a disposition by hearing.

SECTION 2. Tennessee Code Annotated, Section 40-33-216, is further amended by redesignating the current language as subsection (a) and adding the following language as subsection (b):

- (b) The department shall include each category of information for the department as a whole and separately for each individual law enforcement agency that opened a forfeiture proceeding with the department in the previous calendar year.

SECTION 3. Tennessee Code Annotated, Section 40-33-204, is amended by adding the following new subsection (j):

- (1) A person in possession of, a secured party of, or an owner of property for which a forfeiture warrant has been issued by a magistrate or judicial commissioner may appeal the forfeiture warrant within ten (10) days of issuance for review by the general sessions court in the county in which the seizure occurred. On appeal, the general sessions court shall conduct a hearing and review the issuance of the forfeiture warrant within ten (10) days of the appeal being filed.
- (2) Notwithstanding subsection (g), if a forfeiture warrant was issued by a magistrate or judicial commissioner, the warrant, a copy of the affidavit, and the notice of seizure shall not be sent to the applicable agency until:

(A) Seven (7) business days after the time period to appeal the forfeiture warrant has ended and no appeal has been filed; or

(B) Seven (7) business days after the general sessions judge has affirmed the issuance of the forfeiture warrant, if the warrant was appealed.

SECTION 4. For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

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PASSED: May 10, 2017


RANDY McNALLY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of May 2017


BILL HASLAM, GOVERNOR