

HOUSE BILL 1096

By Hill T

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 12; Title 39; Title 40; Title 47; Title 53;
Title 55; Title 57; Title 59; Title 67 and Title 70,
relative to civil forfeiture.

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

SECTION 1. Tennessee Code Annotated, Section 4-3-1016(d)(55), is amended by deleting the language “title 40, chapter 33, part 2” and substituting instead “title 39, chapter 17, part 4”.

SECTION 2. Tennessee Code Annotated, Section 8-8-201(b)(1), is amended by deleting the language “53-11-451”.

SECTION 3. Tennessee Code Annotated, Section 12-2-201, is amended by deleting the language “the narcotic and contraband drug laws being chapter 83 of the Public Acts of 1955, as amended, compiled in §§ 53-11-201, 53-11-203 and 53-11-204.”.

SECTION 4. Tennessee Code Annotated, Section 39-14-307, is amended by deleting the section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 39-17-420(a)(1), is amended by deleting the language “, and the proceeds of goods seized and forfeited under § 53-11-451 and disposed of according to law,”.

SECTION 6. Tennessee Code Annotated, Section 39-17-429(a), is amended by deleting the language “the proceeds of goods seized and forfeited under § 53-11-451, and for”.

SECTION 7. Tennessee Code Annotated, Section 39-17-439, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b)

(1) All proceeds collected pursuant to subsection (a) shall be transmitted to the commissioner of mental health and substance abuse services for deposit in a special fund to be known as the “alcohol and drug addiction treatment fund.”

(2)

(A) The alcohol and drug addiction treatment fund shall be available for use to pay the cost of alcohol and drug addiction treatment for persons certified for the treatment by order of either general sessions or criminal court judges, pursuant to a plan and procedures developed by the department of mental health and substance abuse services and submitted to the general assembly. The alcohol and drug addiction treatment fund shall be administered pursuant to rules promulgated by the department of mental health and substance abuse services, which shall establish criteria for application of the funds.

(B) The rules promulgated by the department of mental health and substance abuse services shall include application of a portion of the funds up to a total of two hundred thousand dollars (\$200,000), and any grants, gifts, contributions, or other appropriations made to supplement the funds for services related to compulsive gambling disorder, to provide prevention, early intervention, assessment or referral, and evaluation services related to compulsive gambling disorder, which shall include all of the following:

(i) Establishing an information and referral hotline to provide public education regarding compulsive gambling and to make treatment referrals;

(ii) Coordinating activities and services and gathering data on the prevalence of problems regarding compulsive gambling;

(iii) Training personnel in the prevention of gambling disorders and in the screening and assessment of these disorders;

(iv) Making assessment services available through local treatment providers; and

(v) Providing development and maintenance of treatment services only to the extent that funds exist to do so and still accomplish the goals intended by creation of the alcohol and drug treatment addiction fund.

(C) Subdivision (b)(2)(B) shall not be construed to be an appropriation of funds, and no funds shall be obligated or expended pursuant to subdivision (b)(2)(B) unless included in a general appropriation act.

(D) If a court of competent jurisdiction orders a person to operate only a motor vehicle that is equipped with a functioning ignition interlock device and the judge makes a specific finding that the person is indigent, all costs associated with the lease, purchase, installation, removal and maintenance of such device or with any other cost or fee associated with a functioning ignition interlock device required by title 55, chapter 10, part 4, shall be paid exclusively from the interlock assistance fund established pursuant to § 55-10-419.

(E) Notwithstanding title 55, chapter 10, no funds from the alcohol and drug addiction treatment fund administered by the department of mental health and substance abuse services shall be used for the lease, purchase, installation, removal, or maintenance of such device or for any

other cost or fee associated with a functioning ignition interlock device required by title 55, chapter 10, part 4.

SECTION 8. Tennessee Code Annotated, Section 39-17-1008, is amended by deleting the section in its entirety.

SECTION 9. Tennessee Code Annotated, Title 40, Chapter 33, Part 2, is amended by deleting the part in its entirety.

SECTION 10. Tennessee Code Annotated, Section 40-35-303(d)(11)(B), is amended by deleting the language “§ 40-33-211” and substituting instead the language “§ 39-17-439”.

SECTION 11. Tennessee Code Annotated, Section 47-25-1105, is amended by deleting subsection (d) in its entirety.

SECTION 12. Tennessee Code Annotated, Title 53, Chapter 11, Part 2, is amended by deleting the part in its entirety.

SECTION 13. Tennessee Code Annotated, Section 53-11-451, is amended by deleting the section in its entirety.

SECTION 14. Tennessee Code Annotated, Section 55-3-202(d), is amended by deleting the subsection in its entirety.

SECTION 15. Tennessee Code Annotated, Section 55-10-410(a)(4), is amended by deleting the language “§ 40-33-211(c)(2)” and substituting instead the language “§ 39-17-439”.

SECTION 16. Tennessee Code Annotated, Section 55-10-414, is amended by deleting the section in its entirety.

SECTION 17. Tennessee Code Annotated, Section 55-50-504(h), is amended by deleting the subsection in its entirety.

SECTION 18. Tennessee Code Annotated, Section 55-50-506(d), is amended by deleting the subsection in its entirety.

SECTION 19. No asset shall be subject to seizure and civil forfeiture using the procedure found in Tennessee Code Annotated, Title 40, Chapter 33, Part 2, or a similar civil procedure found in Tennessee Code Annotated, Sections 53-11-201, 57-3-411, 57-5-409, 67-4-1020, and 70-6-202. Nothing in this act shall preclude the seizure and forfeiture of assets pursuant to Tennessee Code Annotated, Title 39, Chapter 11, Part 7.

SECTION 20. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to any asset seized pursuant to civil forfeiture laws on or after that date.