

HOUSE BILL 1209

By Mitchell

AN ACT to amend Tennessee Code Annotated, Section 4-3-609 and Section 39-17-1350, relative to department of correction employees.

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

SECTION 1. Tennessee Code Annotated, Section 4-3-609, is amended by deleting the section and substituting instead the following:

(a)

(1) Those employees of the department of correction appointed as special agents or as director of internal affairs and who have successfully completed law enforcement training in accordance with internal standards, including firearms training and successful completion of the Tennessee bureau of investigations basic agent training, are fully vested and must be sworn in by the commissioner as full time law enforcement officers. The agents and director have full authority to investigate and enforce the laws of this state and their mission must focus on matters relative to the department of correction as well as those matters involving assistance to other local, state, and federal agencies. The agents and director are commissioned to carry weapons in the course of their duties consistent with applicable standards for law enforcement personnel.

(2) Persons employed by the department of correction as internal affairs special agents or as an internal affairs director have the full power to administer oaths and take oral and written statements.

(b) The commissioner shall establish internal procedures concerning appropriate exercise of the powers and authority vested by this section.

(c) A correctional emergency response team (CERT) or strike force team member must not be vested with any powers or authority under this section unless the member otherwise qualifies to be vested with such powers and authority under subsection (a).

SECTION 2. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (d) and substituting instead the following:

(d) For purposes of this section, "law enforcement officer" means a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state, or a full-time police officer who has been certified by the peace officer standards and training commission, a vested special agent or director of internal affairs employed by the department of correction under § 4-3-609(a), a commissioned reserve deputy sheriff as authorized in writing by the sheriff, or a commissioned reserve or auxiliary police officer as authorized in writing by the chief of police.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.