

HOUSE BILL 1811

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 40
and Title 41, relative to notification of crime victims
and victim representatives.

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

SECTION 1. Tennessee Code Annotated, Section 40-28-505(b)(4), is amended by deleting the subdivision in its entirety and substituting the following:

(4) The victim or the victim's representative who has requested notification of the date and place of the scheduled hearing or notice of the board's final decision.

However, at any time, the victim or victim's representative may withdraw the request for notice by sending the board a written notarized statement that the request for notice is withdrawn or, if the victim or victim's representative is registered with the state's electronic victim notification system, by cancelling that registration in the system.

SECTION 2. Tennessee Code Annotated, Section 40-28-505(e), is amended by deleting the subsection in its entirety and substituting the following:

(e) Any notice required to be provided to the victim or victim's representative by this section shall be mailed to the last known address of the victim or the victim's representative unless the victim or victim's representative is registered with the state's electronic victim notification system, in which case the notice shall be communicated to the victim or victim's representative by the method or methods indicated by the registration in the system. It is the responsibility of the victim or victim's representative to provide the board a current mailing address.

SECTION 3. Tennessee Code Annotated, Section 40-38-103(b), is amended by deleting the subsection in its entirety and substituting the following:

(b) Upon the request of a victim of violent crime involving serious bodily injury or death of a relative, the victim shall be supplied information and a request form by the law enforcement agency responsible for the investigation of the crime or the arrest of the defendant, the sheriff or other custodian of the defendant, or the victim-witness coordinator as to how the victim or relative of a victim may request and secure notification of the release from custody of an offender from a jail or detention facility prior to trial. The jailer, sheriff, or other custodian of criminal offenders shall maintain a physical or electronic record or file of the victim's request for notification and, prior to the release of an offender about whom a notification request has been made, give immediate and prompt notice of the release to the requesting victim or family member of a victim by the most direct means available, including telephone, messenger, or telegram; provided, that if the victim or family member of a victim is registered with the state's electronic victim notification system, the notice required by this section shall be communicated by the method or methods indicated by the registration in the system. Any identifying information contained in the request forms shall be confidential. For purposes of this subsection (b), "identifying information" means the name, home and work addresses, telephone numbers, email address, and social security number of the person being notified or requesting that notification be provided.

SECTION 4. Tennessee Code Annotated, Section 41-21-240(a), is amended by deleting the subsection in its entirety and substituting the following:

(a) At least ninety (90) days prior to the date an inmate serving a felony sentence of two (2) or more years in a facility operated by or under contract with the department of correction is scheduled to be released by reason of expiration of that inmate's sentence, any victim or victim's representative who complies with subsection (b) shall be given notice by the department of the tentative date of the inmate's scheduled release and that the date is subject to change as a result of the award or loss of sentence credits and other factors. The notice required by this section shall be in

writing, unless the victim or victim's representative is registered with the state's electronic victim notification system, in which case the notice shall be communicated to the victim or victim's representative by the method or methods indicated by the registration in the system. The department's responsibility to provide this notice at least ninety (90) days prior to the tentative date of the inmate's scheduled release upon expiration is contingent upon the department's receipt of all relevant sentencing information within that time period.

SECTION 5. Tennessee Code Annotated, Section 41-21-240(b), is amended by deleting the subsection in its entirety and substituting the following:

(b) In order for a victim or victim's representative to be notified as provided in subsection (a), the victim or victim's representative must either send the department a written statement requesting notification and providing the address at which notification is to be made or register with the state's electronic victim notification system and specify the method or methods available within the system for communication of the notice. At any time a victim or victim's representative may withdraw a request for notification by sending the department a written notarized statement that the request for notification is withdrawn or, if the victim or victim's representative is registered with the state's electronic victim notification system, by cancelling that registration in the system.

SECTION 6. Tennessee Code Annotated, Section 41-21-240(c), is amended by deleting the subsection in its entirety and substituting the following:

(c) Pursuant to subsection (b), the notification required by subsection (a) shall be sent to the address provided by the victim or victim's representative if the notification is requested by written statement, or shall be communicated to the victim or victim's representative by the method or methods indicated by the registration in the state's electronic victim notification system if the victim or victim's representative is registered

with that system. It is the responsibility of the victim or the victim's representative to provide the department with a current mailing address or other means of communication indicated in the electronic victim notification system registration.

SECTION 7. This act shall take effect July 1, 2018, the public welfare requiring it.