

HOUSE BILL 1838

By Durham

AN ACT to amend Tennessee Code Annotated, Title 50,
relative to wrongful acts committed by employees.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) Any person who intentionally accesses a nonpublic area of another's premises and engages in an act that exceeds that person's authority to enter those areas is liable to the owner or operator of the premises for any damages sustained that were caused by the person's access. For purposes of this section, "nonpublic areas" means those areas not accessible to or not intended to be accessed by the general public.

(b) For purposes of this section, an act that exceeds a person's authority to enter the nonpublic areas of another's premises as described in subsection (a) occurs when:

(1) An employee intentionally enters the nonpublic area of an employer's premises for a reason other than a bona fide intent of seeking or holding employment or doing business with the employer, and thereafter, without authorization, captures or removes the employer's data, paper, records, or any other documents;

(2) An employee intentionally enters the nonpublic area of an employer's premises for a reason other than a bona fide intent of seeking or holding employment, or doing business with the employer, and thereafter, without authorization, records images or sound occurring within an employer's premises;
or

(3) An employee knowingly places on the employer's premises an unattended camera or electronic surveillance device and uses that camera or device to record images or data.

(c) Any person who intentionally directs, assists, compensates, or induces another person to commit one (1) of the acts described in subsection (b) shall be jointly liable.

(d) A court may award to an owner or operator of premises who prevails in an action brought pursuant to this section one (1) or more of the following remedies:

(1) Equitable relief;

(2) Compensatory damages;

(3) Costs and fees, including reasonable attorneys' fees; or

(4) Punitive damages in the amount of five thousand dollars (\$5,000) for each day, or portion thereof, that a defendant has committed an act set out in subsection (b).

(e) This section shall not apply to any governmental agency or law enforcement officer engaged in a lawful investigation of premises or the owner or operator of premises.

(f) This section shall not interfere with any whistleblower protections, including, but not limited to, those found in §§ 50-3-106, 50-3-409, and 50-1-304.

SECTION 2. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

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