

HOUSE BILL 2108

By Fincher

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 6, Part 1, relative to searches in criminal cases.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by adding the following as a new section:

§ 40-6-108.

(a) Attaching a tracking device, including but not limited to, a global positioning system (GPS), to the vehicle of a person suspected of a criminal offense by a law enforcement officer, agent of a law enforcement officer, or other person acting on behalf of a law enforcement officer for the purpose of conducting surveillance on such person constitutes a search within the meaning of the Fourth Amendment to the United States constitution and Article I, Section 7, of the Tennessee constitution.

(b) Unless a recognized exception to the requirement for a search warrant exists, to attach a tracking device to a suspect's vehicle, the law enforcement officer, agent of a law enforcement officer, or other person acting on behalf of a law enforcement officer must have probable cause to believe that a search will disclose contraband or evidence of a crime and a search warrant issued pursuant to this part.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.