

HOUSE BILL 2171

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 24;
Title 36 and Title 39, relative to confidential
communications.

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) Unless otherwise required by law, an advocate shall not be compelled to disclose any of the following in a judicial, legislative, or administrative proceeding:

- (1) A communication, including verbal; written; or otherwise stored information, received by the advocate from a victim;
- (2) Records the advocate stores in the course of business regarding the victim;
- (3) Counseling the victim received;
- (4) Crisis intervention services the victim received; or
- (5) The location of the shelter that accommodated the victim.

(b) The victim may waive the privilege of the communication, in subsection (a), only by express written consent. A victim's consent is not implied when the victim is a party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(c) For purposes of this section:

- (1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim's services provider that provides services for victims of domestic violence, sexual assault, stalking, or human trafficking; and

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601, a victim who has been subject to criminal sexual conduct as defined by § 39-13-501, a trafficked person as defined by § 39-13-314, or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.