

HOUSE BILL 2419

By Watson

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 39 and Title 40, relative to grand jury
proceedings.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 12, Part 1, is amended by adding the following as a new section thereto:

40-12-108.

(a)

(1) All grand jury proceedings, except where an investigative grand jury is deliberating or voting, shall be recorded by tape, wire, stenograph, or by any other comparable device in a manner that protects the recording from any edit or alteration.

(2) For purposes of this section, "recording" means a tangible medium on which sounds, images, or both are recorded, transcribed or otherwise stored.

(b) Any recording made pursuant to this section shall be treated as confidential and is not open to inspection by members of the public. Duplicate recordings may be made only upon an order of court and any duplicate recording shall be treated as confidential and is not open to inspection by members of the public.

(c) The recordings shall not be destroyed except upon an order of court.

(d) The recordings shall be kept under seal and in the custody of the presiding judge of the criminal court, except as provided under § 40-12-208.

(e) Upon good cause shown, or upon meeting the requirements § 40-12-210 with respect to an investigative grand jury proceeding, a court may order that the contents of any recording made pursuant to this section be unsealed. It is in the court's discretion to reseal the contents.

SECTION 2. Tennessee Code Annotated, Section 40-12-208, is amended by deleting the section in its entirety and by substituting instead the following:

For any investigative grand jury proceeding, any recording made pursuant to § 40-12-108, and the reporter's notes or any transcript prepared from the recording or notes shall remain in the custody or control of the district attorney general unless otherwise ordered by the court in a particular case.

SECTION 3. Tennessee Code Annotated, Section 40-12-209, is amended in subdivision (a)(1) by deleting the period from the end of the subdivision and by substituting instead the language "and § 40-12-108."

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.