

HOUSE BILL 2811

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39 and Title 62, Chapter 35, relative to private
protective services.

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 35, is amended by adding the following new section:

62-35-144.

The department of commerce and insurance shall maintain on the department's website a database of each person who is registered with the department to act as a security guard/officer and the name of the entity employing the person as a security guard/officer, if any. The database must allow a member of the public to search by name at no cost and must be available twenty-four (24) hours a day.

SECTION 2. Tennessee Code Annotated, Section 62-35-117, is amended by deleting subdivision (7) and substituting instead the following:

(7) Be of good moral character and sound mental health.

SECTION 3. Tennessee Code Annotated, Section 62-35-118, is amended by deleting subdivision (a)(1) and substituting instead:

(1) Within fifteen (15) days of employment, an unarmed security guard/officer applicant must complete general training, pass an examination, and complete a mental health evaluation. Within sixty (60) days of employment, an armed security guard/officer applicant must complete general training, pass an examination, complete the training described in subsection (b), and complete a mental health evaluation.

SECTION 4. Tennessee Code Annotated, Section 62-35-118(a)(2), is amended by redesignating subdivision (a)(2)(D) as subdivision (a)(2)(D)(i) and adding the following new subdivision:

(ii) The general duties training must include training on de-escalation techniques, including, but not limited to:

(a) Verbal de-escalation and the effective delivery of verbal instructions to prevent the need for physical use of force;

(b) Application of reasonable and proportional use of force based upon the totality of the circumstances;

(c) De-escalation in circumstances of decreased resistance or compliance by a subject; and

(d) Tactical repositioning, requesting additional personnel, and other similar techniques to decrease the need for physical use of force.

SECTION 5. Tennessee Code Annotated, Section 62-35-118, is amended by adding the following new subsection:

(e) The department shall provide mental health evaluations to unarmed security guard/officer applicants and armed security guard/officer applicants. During an evaluation, a mental health provider must determine whether the applicant is of sound mental health.

SECTION 6. Tennessee Code Annotated, Section 62-35-120, is amended by adding the following new subsection:

(c) A security guard/officer shall provide written notice to the commissioner or the commissioner's designee of any change in employment status as a security guard/officer within ten (10) days of the change occurring.

SECTION 7. Tennessee Code Annotated, Section 62-35-122(d), is amended by adding the following as a new subdivision:

(3) Resubmit to a mental health evaluation, to be provided by the department, to determine whether the applicant continues to be of sound mental health.

SECTION 8. Tennessee Code Annotated, Section 62-35-122, is amended by adding the following new subsection:

(e) The commissioner or the commissioner's designee shall notify the employer on record for a registered security guard/officer within ten (10) days if the security guard/officer fails to renew registration.

SECTION 9. Tennessee Code Annotated, Section 62-35-136, is amended by adding the following language to the end of the section:

A second or subsequent violation of this chapter, or a rule promulgated under this chapter, is a Class E felony, punishable by a fine of at least five thousand dollars (\$5,000).

SECTION 10. This act takes effect July 1, 2022, the public welfare requiring it.