

HOUSE BILL 8004 of the Second Extraordinary Session

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 38; Title 39 and Title 40, relative to criminal
law.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) The attorney general and reporter has the authority to conduct an investigation and has the authority to initiate a criminal prosecution whenever the attorney general and reporter receives information sufficient to constitute probable cause to investigate a violation of any state criminal law if the violation adversely impacted the rights of citizens to peaceful demonstrate and the district attorney general with jurisdiction over the violation has indicated an intention not to investigate or prosecute the violation.

(b) If the attorney general and reporter initiates a criminal prosecution pursuant to the authority of this section, the attorney general and reporter, or a deputy or assistant attorney general, has the authority to exercise all of the powers and perform all of the duties before any court or grand jury with respect to such prosecution that the appropriate district attorney general would otherwise be authorized or required by law to exercise or perform.

(c) If the attorney general and reporter initiates a criminal prosecution pursuant to this section, the appropriate district attorney general shall fully cooperate with the attorney general and reporter and participate in the prosecution to the extent requested or approved by the attorney general and reporter.

(d) If the attorney general and reporter concludes that an investigation or prosecution should be initiated pursuant to this section, the attorney general and reporter may, after giving notice to the executive director of the district attorneys general conference, request appointment as district attorney general pro tem by an appropriate court pursuant to § 8-7-106(a). The executive director may appear before the court to be heard on the request for appointment.

(e) The attorney general and reporter is authorized to request the director of the Tennessee bureau of investigation to furnish such assistance as may be required by the attorney general and reporter in the performance of the attorney general and reporter's duties under this section. The Tennessee bureau of investigation is authorized to provide to the attorney general and reporter such assistance as the attorney general and reporter may request pursuant to this section.

SECTION 2. This act shall take effect October 1, 2020, the public welfare requiring it.