

SENATE BILL 70

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14 and Title 47, relative to the seizure or confiscation of certain property.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following new section:

§ 39-14-154.

(a) It is an offense for the owner of intellectual property, as defined in § 39-14-152, the owner of a mark registered pursuant to title 47, chapter 25, part 5, or the owner of an individual's name, photograph or likeness, protected by § 47-25-1105, or any employee, agent, representative or other person associated with such owner to knowingly seize or confiscate any item, property, merchandise, good or other tangible personal property alleged to have been manufactured, used, displayed, advertised, distributed, offered for sale, sold, or possessed in violation of any provision of law set out in this subsection.

(b) Nothing in this section shall be construed as prohibiting any item, property, merchandise, good or other tangible personal property, alleged to have been manufactured, used, displayed, advertised, distributed, offered for sale, sold, or possessed in violation of any provision of law set out in this subsection from being confiscated or seized by a law enforcement officer or other authorized governmental official and declared forfeited by a court of competent jurisdiction if accomplished by a method provided or authorized by law.

(c) A violation of this section is a Class A misdemeanor and any person convicted thereof shall be required to pay as restitution the value of any item, property, merchandise, good or other tangible personal property seized or confiscated in violation of this section.

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