

SENATE BILL 125

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 19;  
Title 20; Title 36, Chapter 3 and Title 40, relative to  
use of discovery to defend an order of protection.

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

SECTION 1. Tennessee Code Annotated, Section 36-3-605, is amended by adding the following as a new subsection:

(e) In order to prepare an adequate defense for any hearing held pursuant to this section, any person against whom an order of protection is petitioned shall have the right to conduct reasonable discovery, including the right to depose the petitioner. Any deposition taken pursuant to this subsection (e) may only be conducted via telephone and must be taken by an attorney who is admitted to practice law in this state. The court having jurisdiction over a petition for a protective order may, in its discretion, limit the duration of any deposition taken pursuant to this subsection (e) to one (1) hour. A deponent shall not be compelled to provide information regarding the location of the deponent's residence in any deposition conducted pursuant to this subsection (e).

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.