

SENATE BILL 437

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 38 and Title 39, relative to the department of
safety.

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

SECTION 1. This act is known and may be cited as the "Tennessee Immigration
Transparency Act."

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Department" means the department of safety;

(2) "Housed" includes, but is not limited to, abiding, lodging, residing, or
establishing any other living accommodations in this state, including establishing
a physical presence in this state;

(3) "Immigrant" means a person lawfully in the United States who is not a
United States national or a person admitted under a nonimmigrant category as
defined in 8 U.S.C. § 1101(a)(15);

(4) "Transport" includes, but is not limited to, the movement of persons
through this state by any means of mobility; and

(5) "Unauthorized immigrant" means a person:

(A) Who has entered the United States without inspection and
proper permission from the federal government;

(B) Who remains in the United States without legal immigration
status under federal law; or

(C) Who is seeking asylum in the United States without being granted approval by the federal government.

(b) By no later than January 1, 2024, the department of safety shall create and maintain a centralized record system of reporting, investigations, and public information regarding unauthorized immigrants housed or traveling within this state.

(c)

(1) The department shall establish and operate an online data entry form to permit persons to report an unauthorized immigrant being housed or transported within this state.

(2) The department may receive information relative to an unauthorized immigrant being housed or transported within this state from any credible source.

(3) If there is a factual basis to believe a violation of state law, local ordinance, or a business license regulation has occurred, then the department shall forward all information received relative to an unauthorized immigrant being housed or transported within this state to the appropriate law enforcement agency for investigation and verification.

(4) The department shall forward allegations to the appropriate local law enforcement agency for investigation. If a law enforcement agency fails or refuses to investigate an allegation of an unauthorized immigrant being housed or transported within this state, then the department shall investigate the allegation.

(d) The department shall prepare and place the following information regarding reports of housing or transporting unauthorized immigrants within this state on the department's website:

(1) The complete name of any business or person alleged to be housing or transporting unauthorized immigrants, as well as any aliases;

(2) The primary addresses, including the house number, county, city, and zip code of the person alleged to be housing or transporting unauthorized immigrants;

(3) Whether the allegation was confirmed, not supported by evidence, or inconclusive of housing or transporting unauthorized immigrants;

(4) A summary of the complaint, investigation, and any findings;

(5) The date of complaint and date of concluded investigation;

(6) A photograph of any relevant location;

(7) Any violations of laws or local ordinance violations or business license violations;

(8) Whether the investigation was referred to any additional agency; and

(9) The name of the agency that conducted the investigation and if any agency refused to investigate.

(e) Notwithstanding another law to the contrary, officers and employees of the department, the Tennessee bureau of investigation, local law enforcement, courts, probation and parole, district attorneys general, and other public officers and employees who are assigned responsibility for investigating, prosecuting, and preventing crime in this state are immune from liability relative to their good faith actions, omissions, and conduct pursuant to this section.

(f) The department shall develop an appeal process for persons to contest the information posted on the department's webpage.

(g) The department may promulgate any necessary rules to implement and administer the provisions of this section. These rules must be promulgated in

accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(h) The intent of this section is to provide a requirement for transparency, and it is not to be construed as discrimination against an immigrant.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.