

SENATE BILL 876

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 70,
relative to evidence.

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

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) As used in this section "monitoring device" means any device or apparatus which can be used to record or broadcast audio or visual data but does not include equipment worn by a law enforcement officer or installed on a law enforcement officer's motor vehicle.

(b) Notwithstanding § 70-1-305(1), § 70-8-108(c), or any other law to the contrary, a wildlife resources officer shall not install monitoring devices on privately owned property except:

(1) Pursuant to a valid search warrant;

(2) Pursuant to an order for electronic surveillance under title 40, chapter 6, part 3; or

(3) With the written permission of the landowner or the lessee of the property. In order to be valid under this subdivision (b)(3), written permission to enter upon property to install monitoring devices must have been manually executed or reauthorized by the landowner or lessee within the three hundred sixty-four (364) days immediately preceding the date of the law enforcement officer's entry onto the property.

(c) Evidence obtained from a monitoring device installed in violation of this section shall not be used in any court of law or administrative board as evidence, and other evidence that is derived from the illegally installed device shall not be used as evidence in any such proceeding.

(d) This section does not limit the gathering of evidence obtained from:

(1) Privately controlled monitoring devices; or

(2) Equipment worn by law enforcement officers or installed on law enforcement motor vehicles.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.