

SENATE BILL 1164

By Norris

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to pretrial release.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 11, is amended by adding a new part thereto:

40-11-501.

There is created, as a three (3) year pilot project in any county having a population in excess of three hundred thousand (300,000) according to the 2000 federal census or any subsequent federal census, a Citizens' Right to Know: Pretrial Release Program.

40-11-502. As used in this part:

(1) "Agency" means the agency in a county responsible for the operation of a pretrial release program to which this part applies;

(2) "Non-secured release" means any release of a defendant from pretrial custody where no financial guarantee is required as a condition of such release, including but not limited to, release on recognizance or release on an unsecured appearance bond;

(3) "Register" means a public record prepared by the agency responsible for the operation of a pretrial release program in a county within the state that is readily available in the clerk's office of the court in which the agency is located;  
and

(4) "Secured release" means any release of a defendant from pretrial custody where a financial guarantee, including, but not limited to, security set out in § 40-11-122, is required as a condition of such release.

40-11-503.

(a) In counties to which this part applies where there is a pretrial release program in operation, the agency responsible for the operation of such program shall prepare a register displaying information regarding the cases and defendants who are recommended for release by such agency. The register shall be located in the clerk's office of the court in which the agency is located and the register shall be readily available for public inspection.

(b) The register shall be updated on a monthly basis and shall display accurate information regarding the following information for each defendant whose non-secured release was recommended by the agency:

(1) The number of defendants released in the monthly reporting period;

(2) The number of those defendants released who failed to appear for court dates;

(3) The calculation of the number of defendants who failed to appear by month; and

(4) The number of defendants released who have been rearrested.

40-11-504.

(a) On or before February 1 of each year, every agency responsible for the operation of a pretrial release program shall submit an annual report to the judiciary committees of the senate and the house of representatives for the prior calendar year.

(b) The annual report shall include, but not be limited to, the following information:

- (1) The number of defendants released in the annual reporting period;
- (2) The number of those defendants released who failed to appear for court dates;
- (3) The calculation of the number of defendants who failed to appear by year; and
- (4) The number of defendants released who have been rearrested.

(c) The annual report shall also contain an accounting of the percentage of the agency's annual budget which is allocated to steering defendants eligible for secured release toward obtaining their own release through non-government sponsored programs.

40-11-505.

Every agency responsible for the operation of a pretrial release program shall prepare the register and annual report out of its existing budget, and no additional government funds shall be made available for the production of these items.

40-11-506.

If the presiding judge of the judicial district in which the agency is located finds that the agency has not maintained the register or filed an annual report as required by this part, the presiding judge shall:

- (1) For a first occurrence of noncompliance, require the agency immediately to prepare a written report explaining the noncompliance and what measures will be taken to bring the program into compliance and the date by which the noncompliance will be corrected; and

(2) Set a time period by which the agency must comply, upon the failure of which the judge may suspend further agency operation until full compliance is demonstrated.

40-11-507.

The Citizens' Right to Know: Pretrial Release Program, created pursuant to this part, shall terminate July 1, 2014, unless extended by the general assembly.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.