



State of Tennessee

PUBLIC CHAPTER NO. 304

SENATE BILL NO. 1285

By White

Substituted for: House Bill No. 1312

By Terry, Crawford, Hardaway, Moody, Smith, Hazlewood, Littleton, Todd, Helton

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7; Title 37; Title 38; Title 39; Title 40 and Title 55, relative to photographs of minors.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subsection:

(aa)(1) Photographic evidence of a fatal motor vehicle accident that depicts a deceased minor victim at the scene of the accident shall be treated as confidential and shall not be open for inspection by members of the public.

(2) The custodial parent or legal guardian of the deceased minor victim whose photograph is made confidential pursuant to subdivision (aa)(1) may waive confidentiality and allow the minor victim's photograph to be used and obtained in the same manner as other public records.

(3) This subsection (aa) does not:

(A) Restrict the application of Rule 16 of the Tennessee Rules of Criminal Procedure in any court or the disclosure of information required of counsel by the state or federal constitution;

(B) Limit or deny access to otherwise public information because a file, document, or data file contains a photograph made confidential by subdivision (aa)(1); provided, that the photograph must be removed before any access is granted to a member of the public; or

(C) Limit access to records by law enforcement agencies, courts, or other governmental agencies engaged in investigating or prosecuting a criminal offense.

(4) As used in this subsection (aa), "photographic evidence" and "photograph" mean any photograph or photographic reproduction, still or moving, or any videotape.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

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PASSED: April 21, 2021


Randy McNally
SPEAKER OF THE SENATE


Cameron Sexton, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of May 2021


BILL LEE, GOVERNOR