



State of Tennessee

PUBLIC CHAPTER NO. 904

HOUSE BILL NO. 1021

By Representatives Doggett, Jernigan, Lynn, Littleton, Russell, Todd, Helton-Haynes,
Burkhart

Substituted for: Senate Bill No. 1416

By Senators Rose, Oliver, Campbell, White

AN ACT to amend Tennessee Code Annotated, Title 9; Title 29 and Title 40, relative to victim compensation.

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

SECTION 1. Tennessee Code Annotated, Section 29-13-103, is amended by deleting subdivision (a)(4) and substituting:

(4) The claimant has fully cooperated with the police and the district attorney general in the investigation and prosecution of the offender, except in cases involving a victim where it is determined that the victim's cooperation may be or had been impacted due to the victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's well-being, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family;

SECTION 2. Tennessee Code Annotated, Section 29-13-103, is amended by deleting subsection (b) and substituting:

(b)

(1) The claimant must present written documentation to establish the facts required by subsection (a), including proof that an offense referenced in subdivision (a)(1) has occurred.

(2) Such documentation must include, but is not limited to:

(A)

(i) Medical and funeral bills;

(ii) Lost wage verifications;

(iii) W-2 forms; or

(iv) Death and birth certificates; and

(B) Proof of an offense, which must include, at a minimum, the type of crime that occurred, the date of the crime, the name of the victim or victims, and the location of the crime. Proof of an offense may be demonstrated by providing documentation, including, but not limited to, the following:

(i) A criminal conviction documenting the crime directly related to the claim filed;

(ii) A law enforcement report documenting the commission of a crime;

(iii) An information charging an individual with a crime filed by a prosecuting attorney;

HB1021

- (iv) An indictment by a grand jury;
- (v) A written communication by a law enforcement agency indicating a crime has occurred relative to the claim filed;
- (vi) Court records evidencing the criminal prosecution of a crime relevant to the claim filed;
- (vii) Medical records from a healthcare provider, as those terms are defined in § 9-8-408;
- (viii) A written communication from a prosecuting attorney or investigating law enforcement officer who has personal involvement in the prosecution or investigation of any criminal case relative to the claim filed;
- (ix) A report from child protective services or another government agency;
- (x) A restraining order issued by a court; or
- (xi) Any other documentation requested by the division to show the commission of a crime.

SECTION 3. Tennessee Code Annotated, Section 29-13-105, is amended by deleting subdivisions (a)(3) and (4) and substituting:

(3) In the case of the death of a victim, where the compensation is for unreimbursed or unreimbursable mental health counseling or treatment made necessary by the death of the victim, a family member of the victim or person who resided with the victim, subject to the order of preference and priority between family members and persons who resided with the victim in accordance with title 40, chapter 38, part 3;

(4) In the case of the death of the victim, where the compensation is for unreimbursed or unreimbursable funeral or burial expenses, to:

- (A) The legal representative of the estate of the victim; or
- (B) If no estate of the victim is opened, to:
 - (i) Family of the victim, as defined in § 29-13-102;
 - (ii) The victim's aunt, uncle, or cousin; or
 - (iii) An individual related to the victim by blood;

SECTION 4. Tennessee Code Annotated, Section 29-13-108, is amended by deleting from subsection (a) the language ", and in no case may an award be made where the law enforcement records show that such report was made more than forty-eight (48) hours" and substituting "within fifteen (15) days", and is further amended by deleting from subsection (b) the language "reported to the police" and substituting "reported to law enforcement", and is further amended by deleting from subsection (g) the language "within the one-year period as prescribed in subsection (a)" and substituting "within the two-year period as prescribed in subsection (a)".

SECTION 5. This act takes effect July 1, 2024, the public welfare requiring it, and applies to claims filed on or after July 1, 2024.

HOUSE BILL NO. 1021

PASSED: April 15, 2024



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES


RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 3rd day of May 2024



BILL LEE, GOVERNOR