

SENATE BILL 1649

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 16, Part 4, relative to misconduct for
public officials and employees.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 4, is amended by adding the following language as a new section:

(a) It is an offense for a supervisor to intentionally or knowingly:

(1) Instruct, direct, or encourage an employee to make a false statement, entry, notation, or report during or in relation to an audit; or

(2) Alter, destroy, or conceal information, documentation, or material having evidentiary value to an audit.

(b) It is an offense for a supervisor or employee to intentionally or knowingly interfere with, impede, obstruct, or limit access to any information, documentation, or communication that is requested during or in relation to an audit.

(c) A violation of subsections (a) or (b) is a Class A misdemeanor.

(d) Charges for a violation of subsections (a) or (b) may be brought only by indictment, presentment, or criminal information; provided, that nothing in this section shall deny a person from pursuing other criminal charges by affidavit of complaint.

(e) As used in this section, unless the context otherwise requires:

(1) "Audit" means any audit or investigation conducted by or on behalf of the comptroller of the treasury;

(2) "Employee" means an individual who works under a supervisor and who receives compensation from the state;

(3) "Limit access" includes requiring the presence of a supervisor before allowing information to be reviewed during the audit process or requiring the presence of a supervisor before allowing communication between employees and staff of the comptroller of the treasury; and

(4) "Supervisor" means an employee of the state who manages, supervises, directs, or controls the employment status, work, or responsibility of any employee. "Supervisor" includes, but is not limited to, any commissioner, executive director, or staff director.

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