

SENATE BILL 1878

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 8; Title 9; Title 13; Title 34; Title 36; Title 37; Title 39; Title 49; Title 50; Title 55; Title 56; Title 66; Title 67; Title 68 and Title 71, relative to children.

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 4, is amended by adding the following as a new section:

37-5-407.

(a) It is a Class E felony to take custody of a child transported across state lines, and whose transport across state lines is not subject to the Interstate Compact on the Placement of Children, compiled in chapter 4, part 2 of this title, if the individual or entity taking custody has not first obtained the written consent of the department of children's services.

(b) The department of children's services shall not grant written consent to an individual or entity for the purposes of compliance with subsection (a) unless the individual or entity provides, at a minimum, the following:

- (1) The child's name;
- (2) The child's sex;
- (3) The child's height and weight;
- (4) The child's verifiable identifiers, if any;
- (5) The child's fingerprint sample;
- (6) The child's dental record or copy of the child's birth certificate;
- (7) The child's immunization record; and

(8) A recent photograph of the child.

(c) The department of children's services shall maintain the information described in subsection (b) in a database. The department of children's services shall provide access to the database:

(1) To the department of human services for the purposes of enforcing §§ 37-5-401 - 37-5-406 and for other purposes as deemed appropriate by the department by rule and in accordance with all applicable law; and

(2) To law enforcement and other individuals and entities as deemed appropriate by the department by rule and in accordance with all applicable law.

(d) This section does not apply to a child transported across state lines due to an adoption process subject to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

SECTION 2. Tennessee Code Annotated, Section 37-5-406, is amended by deleting the section and substituting:

Except for § 37-5-407, this part does not apply when a child is brought into, sent into, taken out of, or sent out of the state by a parent, stepparent, grandparent, or other natural or legal guardian of the child.

SECTION 3. The department of children's services shall promulgate emergency rules within seventy-five (75) days of the effective date described in SECTION 5(a). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5.

(a) For purposes of establishing the database described in § 37-5-407(c) in SECTION 1 and promulgating rules to effectuate this act, this act takes effect upon becoming a law, the public welfare requiring it.

(b) For all other purposes, this act takes effect July 1, 2022, the public welfare requiring it.