

SENATE BILL 2554

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 38; Title 39 and Title 40, relative to criminal
justice.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding
the following new part:

38-1-1001.

As used in this part:

(1) "Forensic medical examination" means the same as defined in § 39-13-519;

(2) "Law enforcement personnel" means any law enforcement officer, detective, investigator, crime scene technician, or other personnel involved in investigating claims of sexual assault or processing evidence related to sexual assault;

(3) "Sexual assault" means any nonconsensual sexual act prohibited under title 39, including rape, incest, or statutory rape;

(4) "Trauma-informed approach" means a manner of interacting with victims that is sensitive to the impact of trauma and emphasizes creating a sense of safety and empowerment;

(5) "Victim" means the direct target of an alleged sexual assault;

(6) "Victim advocate" means a professional working for a government agency or nonprofit organization who provides support services, counseling, or assistance to victims of sexual assault; and

(7) "Victim-centered approach" means an approach that prioritizes the rights, needs, and desires of the victim when investigating crimes, collecting evidence, and interacting with victims.

38-1-1002.

(a) All law enforcement personnel involved in investigating sexual assault crimes must complete a minimum of sixteen (16) hours annually of sensitivity training provided by the Tennessee peace officer standards and training (POST) commission related to interacting with victims of sexual violence.

(b) The curriculum for the training required by subsection (a) must be developed by the POST commission in coordination with sexual violence prevention organizations, victim advocates, and healthcare providers who perform forensic medical examinations and must emphasize trauma-informed, victim-centered approaches.

(c) After the sensitivity training is completed, a participant must be assessed in a mock situation ensuring the training was comprehended and applied.

(d) Law enforcement personnel must complete training within one hundred twenty (120) days of starting in a sexual assault investigation role.

(e) Every three (3) years, the POST commission must present, as part of the required in-service training for POST-certified law enforcement officers, training on sexual assault response and report writing requirements, including, but not limited to:

- (1) Recognizing the symptoms of trauma;
- (2) Understanding the role trauma has played in a victim's life;
- (3) Responding to the needs and concerns of a victim;
- (4) Delivering services in a compassionate, sensitive, and nonjudgmental manner;

(5) Interviewing techniques in accordance with the curriculum standards in this subsection (e);

(6) Understanding cultural perceptions and common myths of sexual assault and sexual abuse; and

(7) Report writing techniques in accordance with the curriculum standards in this subsection (e).

(f) The training required by subsections (a) and (e) must also be presented as part of the training for initial police officer standards and training certification.

(g) In order to provide the training required by subsections (a) and (e), an instructor must have successfully completed training on evidence-based, trauma-informed, victim-centered responses to cases of sexual assault and must have experience responding to sexual assault cases.

(h) The POST commission is authorized to promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The rules must include, but not limited to, the following:

(1) Evidence-based curriculum standards for report writing and immediate response to sexual assault, including trauma-informed, victim-centered interview techniques, which have been demonstrated to minimize re-traumatization, for all law enforcement officers; and

(2) Evidence-based curriculum standards for trauma-informed, victim-centered investigation and interviewing techniques, which have been demonstrated to minimize re-traumatization, for cases of sexual assault and for all law enforcement officers who conduct sexual assault investigations.

SECTION 2. Tennessee Code Annotated, Section 39-13-519(d)(1), is amended by redesignating the subdivision as subdivision (d)(1)(A) and adding the following new subdivision:

(B)

(i) By January 1, 2025, the TBI must test all previously untested sexual assault evidence collection kits that were submitted prior to July 1, 2024, prioritizing kits that are related to ongoing investigations.

(ii) Effective July 1, 2024, the TBI must test each sexual assault evidence collection kit within ninety (90) days of receipt from a law enforcement agency.

(iii) The TBI must prepare an annual report on the average number of days required for testing a sexual assault evidence collection kit over the prior calendar year, the number of untested sexual assault evidence collection kits that will not be tested within the required period of time, and recommendations for how best to meet the requirements of this subdivision (d)(1)(B). The report must be submitted by February 1 of each year to the governor and the chairs of the judiciary committee of the senate and the criminal justice committee of the house of representatives and posted on the TBI's website.

SECTION 3. Tennessee Code Annotated, Section 39-13-519, is amended by adding the following new subsection:

(1) In testing sexual assault evidence collection kits, the TBI must develop autosomal DNA profiles that are eligible for entry into the combined DNA index system (CODIS) and other relevant state or local DNA databases.

(2) With the goal of generating a CODIS-eligible DNA profile, if the TBI is unable to obtain an autosomal CODIS-eligible DNA profile, then the TBI should evaluate the case to determine if any other DNA-typing results could be used for investigative purposes.

(3) In cases where testing has resulted in a DNA profile, the laboratory must enter the full profile into the CODIS database and other relevant state or local DNA databases. The average completion rate for this analysis and classification shall not exceed ninety (90) days.

(4) If the TBI crime laboratories are unable to meet the deadline specified above, then kits must be outsourced for testing to an accredited private crime laboratory.

SECTION 4. Tennessee Code Annotated, Section 39-13-519(d)(2), is amended by deleting the language "ten (10) years" and substituting "twenty-five (25) years".

SECTION 5. Tennessee Code Annotated, Section 29-13-108(a), is amended by deleting the first sentence of the subsection and substituting:

A claim for compensation must be filed not later than two (2) years after the occurrence of the crime upon which the claim is based, two (2) years after the death of the victim, or twelve (12) years after mental or physical manifestation or injury is diagnosed as a result of an act committed that would constitute a criminal offense under §§ 39-13-502 – 39-13-506, § 39-13-509, § 39-13-518, § 39-13-522, § 39-13-527, § 39-13-534, § 39-13-535, § 39-15-302, § 39-17-902, or §§ 39-17-1003 – 39-17-1005, or an attempt, conspiracy, or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing such claim may be extended either before or after the expiration of the filing period.

SECTION 6. Tennessee Code Annotated, Section 29-13-103(a)(4), is amended by deleting the subdivision 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 of domestic violence, a sexual offense under §§ 39-13-502 – 39-13-506, § 39-13-

509, § 39-13-518, § 39-13-522, § 39-13-527, § 39-13-534, § 39-13-535, § 39-15-302, § 39-17-902, or §§ 39-17-1003 – 39-17-1005, a human trafficking offense, as defined in § 39-13-314, or stalking under § 39-17-315;

SECTION 7. Tennessee Code Annotated, Section 29-13-103(a)(7), is amended by deleting the subdivision and substituting:

(7) The victim or a member of the victim's family reported the offense to the proper law enforcement authorities within the time prescribed in § 29-13-108(a), except in cases involving a victim of domestic violence, a sexual offense under §§ 39-13-502 – 39-13-506, § 39-13-509, § 39-13-518, § 39-13-522, § 39-13-527, § 39-13-534, § 39-13-535, § 39-15-302, § 39-17-902, or §§ 39-17-1003 – 39-17-1005, a human trafficking offense, as defined in § 39-13-314, or stalking under § 39-17-315.

SECTION 8. Tennessee Code Annotated, Section 29-13-103, is amended by adding the following new subsection:

(c) In cases of domestic violence, sexual offenses, human trafficking, or stalking:

(1) The claimant may prove the facts required by subsection (a) using any court documents and forms of reporting, including an application for an order of protection, sexual assault evidence collection kit documentation, verification of participation in the home address confidentiality program established under title 40, chapter 38, part 6, or documentation that the offense was reported to a licensed medical provider, licensed mental health provider, tribal health provider, or law enforcement agency within one hundred eighty (180) days;

(2) The claimant shall not be subjected to invasive questioning and may only be interrogated for information strictly necessary to verify eligibility; and

(3) Upon a showing that a delay in filing a claim under this part occurred because of a delay in the testing of, or a delay in the DNA profile matching from,

a sexual assault evidence collection kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation may receive a waiver of any claim filing deadline.

SECTION 9. Tennessee Code Annotated, Section 38-1-903, is amended by adding the following new subsections:

(d) A SART has oversight authority over local law enforcement agency handling of sexual assault crimes and power to conduct audits and reviews of sexual assault crime investigations.

(e) Each SART must submit an annual report to the general assembly on the law enforcement agency's progress in implementing Section 1 of this act.

SECTION 10. This act takes effect July 1, 2024, the public welfare requiring it.