



State of Tennessee

PUBLIC CHAPTER NO. 892

HOUSE BILL NO. 2386

By Representatives Gant, Grills, Lamberth, Sherrell, Moody, White

Substituted for: Senate Bill No. 2599

By Senators Taylor, Rose

AN ACT to amend Tennessee Code Annotated, Title 40 and Title 55, relative to warrants.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by adding the following new section:

A law enforcement officer may execute a search warrant for medical records or a test to determine the alcohol or drug content, or both, of a person's blood anywhere in this state.

SECTION 2. Tennessee Code Annotated, Section 40-1-106, is amended by adding the following language at the end of the section:

All other magistrates have statewide jurisdiction to issue search warrants pursuant to chapter 6, part 1 of this title in any district, county, or jurisdiction, if at least one (1) element of the alleged crime on which the search warrant is based is committed within the jurisdiction of the magistrate.

SECTION 3. Tennessee Code Annotated, Section 55-10-406(e), is amended by adding the following subdivision:

(3)

(A) Because the evidentiary nature of blood tests authorized and conducted under this section and § 55-10-408 are affected by timely collection, and to facilitate and encourage the timely collection of this evidence by hospitals and qualified practitioners pursuant to a search warrant or other court order:

(i) A qualified practitioner shall withdraw the sample of blood as soon as practicable; provided, that collection of the sample does not jeopardize the operator's life;

(ii) All qualified practitioners must be considered to be acting in good faith once presented with a search warrant or any other court order authorizing collection of a sample, and the sample is drawn as soon as practicable;

(iii) Qualified practitioners shall not require the operator to provide any additional consent; and

(iv) Qualified practitioners may use all reasonable force to obtain the sample of blood from the operator.

(B) This subdivision (e)(3) does not affect the admissibility into evidence in a criminal prosecution of an analysis of the alcohol or drug content of the operator's blood sample based on a delay in the collection of the sample.

SECTION 4. Tennessee Code Annotated, Section 55-10-406(g), is amended by adding the following language at the end of the subsection:

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The results of any testing of the blood sample that was obtained while the defendant was hospitalized or otherwise receiving medical care in the ordinary course of medical treatment must be recorded and memorialized in the defendant's medical records and must be provided upon service of a search warrant, judicial subpoena, or other court order. Any residual portion of the blood sample that was obtained while the defendant was hospitalized or otherwise receiving medical care in the ordinary course of medical treatment after the testing provided by the hospital or qualified medical practitioner must be provided as soon as practicable to a law enforcement officer upon service of a search warrant or other court order.

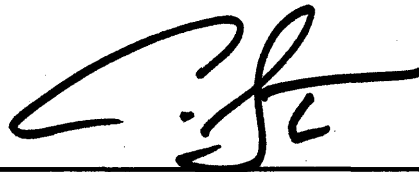
SECTION 5. Tennessee Code Annotated, Section 55-10-408(a), is amended by adding the following sentence at the end of the subsection:

If the sample of a person's blood was procured pursuant to § 55-10-406, then the limited testing of the blood sample for the alcohol content, drug content, or both shall be considered a reasonable search for all evidentiary purposes and shall be allowed into evidence without further need of a search warrant or court order.

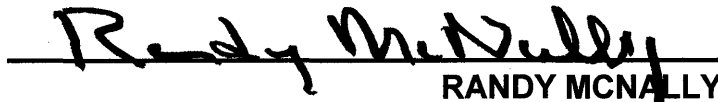
SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 9, 2024




CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 1st day of May 2024



BILL LEE, GOVERNOR