

SENATE BILL 2902

By McNally

AN ACT to amend Tennessee Code Annotated, Title 38,
Chapter 6, relative to Tennessee bureau of
investigation laboratory fees.

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

SECTION 1. Tennessee Code Annotated, Section 38-6-103, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d)

(1)

(A) The following fees shall be adjudged as a part of the costs in each case upon conviction of the following offenses:

(i) Controlled substances, narcotics,

drugs.....\$20.00

(i) Driving a motor vehicle or operating a boat while under

the influence of intoxicants and/or drugs, except as provided in

§55-10-403(h).....17.50

(iii) Certification of criminal histories and

records.....Amount fixed by the federal bureau of

investigation

(iv) For any case requiring DNA

testing.....100.00 per test

(v) For any other submitted exhibits not covered by (i)-(iv)

above.....20.00 per exhibit.

(B) Such fees shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law.

(C) The fees referred to in §38-6-103(d)(1)(A)(iv) and (v) shall be invoiced to the submitting agency monthly by the Tennessee bureau of investigation and shall be payable by the submitting agency to the Tennessee bureau of investigation upon receipt of invoice. Such fees may be assessed as court costs upon conviction of the defendant in whose case the tests were performed. Any fees recovered as court costs shall be paid to the submitting agency as repayment for the fees that the submitting agency remitted to the Tennessee bureau of investigation for services. The fee for all services performed shall be due to the Tennessee bureau of investigation, regardless of the disposition of the case.

(D) These fees shall be transmitted by the clerk of the court to the state treasurer for deposit in a fund to be used by the Tennessee bureau of investigation for the purpose of employing special agents and special agent forensic scientists; for the purchase of equipment and supplies; to pay for the education, training and scientific development of employees; or for any other purpose to allow the bureau's business to be done in a more efficient and expeditious manner. The moneys received in the fund shall be invested for the benefit of the fund by the state treasurer pursuant to § 9-4-603. Amounts in the fund shall not revert to the general fund of the state, but shall, together with interest income credited to the fund, remain available for expenditure in subsequent fiscal years.

(E) Fees for services may be waived by the Tennessee bureau of investigation at the bureau's discretion upon a showing by the agency of inability to pay the fee and inability to collect the fee through court costs.

(F) Except when and as provided in this subdivision (d)(1) and subdivision (e)(2), the fees set out in §38-6-103(d)(1)(A)(i)-(iii), the appropriate clerk, after deducting five percent (5%) as compensation, shall identify those fees to the Tennessee bureau of investigation and remit the fees to the state treasury to be expended as appropriated by the Tennessee bureau of investigation.

(2) Upon approval of the director, local governing bodies which have the responsibility for providing funding for sheriffs' offices and police departments are authorized to purchase from state contracts approved for bureau purchases scientific instruments designed to examine a person's breath and measure the alcohol content of a person's breath for use as evidence in the trial of cases; provided, that prior to use of the scientific instruments, such instruments must be delivered to the forensic services division for testing and certification pursuant to subsection (g). The bureau shall continue to maintain and certify the instruments and operating personnel, pursuant to subsection (g), and furnish expert testimony in support of the use of the scientific instruments when required.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.