State of Tennessee

PUBLIC CHAPTER NO. 653

HOUSE BILL NO. 1648

By Representatives Goins, Hardaway, Sanderson

Substituted for: Senate Bill No. 1582

By Senators Overbey, Bell, Haile, Bowling

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2 and Title 55, relative to alcohol and drug related offenses.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-402, is amended by redesignating subsection (d) as subdivision (d)(1) and adding the following as a new subdivision (d)(2):

(2)

(A) The court may order any person convicted of a violation of § 55-10-401 to be subject to monitoring using one (1) or more of the following:

(i) Transdermal monitoring device or other alternative alcohol or drug monitoring device;

(ii) Electronic monitoring with random alcohol or drug testing;

(iii) Global positioning monitoring system pursuant to § 40-11-152; or

(iv) Any other monitoring device the court believes necessary to ensure the person complies with the conditions of probation and, if applicable, the results of the clinical substance abuse assessment.

(B) If the court orders a person to be subject to monitoring as provided in subdivision (d)(2)(A), the court, the department of correction, or any other agency, department, program, group, private entity, or association that is responsible for the supervision of such person shall:

(i) Require periodic reporting by the person for verification of the proper operation of the monitoring device;

(ii) Require the person to have the device monitored for proper use and accuracy by an entity approved by the supervising entity at least every thirty (30) days, or more frequently as the circumstances may require; and

(iii) Immediately notify the court of any of the person's violations of this subdivision (d)(2), which shall be considered a violation of the conditions of probation.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.

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PASSED: March 14, 2016

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 29th day of March 2016

BILL HASLAM, GOVERNOR