

PUBLIC CHAPTER NO. 1094

HOUSE BILL NO. 3142

By Representatives Bell, Haynes, Sherry Jones, Fincher, McCord, Dunn, Hackworth, McCormick, Towns, Casada, Hardaway, Bass, Watson, Evans, Sontany, Lollar, Kevin Brooks

Substituted for: Senate Bill No. 3100

By Senators Marrero, Stewart, Woodson, Burchett, Henry, Jackson, Ford, Harper

AN ACT to amend Tennessee Code Annotated, Section 36-3-610, relative to domestic abuse.

WHEREAS, an order of protection is issued to prevent a person from being subject to domestic abuse, stalking or sexual abuse; and

WHEREAS, it is vital that any sanction for violating an order of protection encourage compliance rather than punishment after the fact; and

WHEREAS, the present sanctions for violating an order of protection are not sufficient incentive for compliance by persons susceptible to their influence; and

WHEREAS, a reduction in domestic violence would greatly benefit some of our most vulnerable citizens; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 36-3-610, is amended by designating the existing language of subsection (b) as subdivision (1) and by adding the following language as new subdivisions thereto:

(2) The judge upon finding a violation of an order of protection or a court-approved consent order shall require a bond of the respondent until such time as the order of protection expires. Such bond shall not be less than two thousand five hundred dollars (\$2,500) and shall be payable upon forfeit as provided . Bond shall be set at whatever the court determines is necessary to reasonably assure the safety of the petitioner as required. Any respondent for whom bond has been set may deposit with the clerk of the court before which the proceeding is pending a sum of money in cash equal to the amount of the bond. The clerk of the court may deposit funds received in lieu of bonds, or any funds received from the forfeiture of bonds, in an interest bearing account. Any interest received from such accounts shall be payable to the office of the clerk. Failure to comply with this subsection (b) may be punished by the court as a contempt of court as provided in title 29, chapter 9.

(3) If a respondent posting bond under this subsection (b) does not comply with the conditions of the bond, the court having jurisdiction shall enter an

order declaring the bond to be forfeited. Notice of the order or forfeiture shall be mailed forthwith by the clerk to the respondent at the respondent's last known address. If the respondent does not within thirty (30) days from the date of the forfeiture satisfy the court that compliance with the conditions of the bond was met, the court shall enter judgment for the state against the defendant for the amount of the bond and costs of the court proceedings. The judgment and costs may be enforced and collected in the same manner as a judgment entered into a civil action.

(4) Nothing in this section shall be construed to limit or affect any remedy in effect on the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 36-3-610, is amended by adding a new subsection thereto, as follows:

(d) The proceeds of a judgment for the amount of the bond pursuant to this section shall be paid quarterly to the administrative office of the courts. The quarterly payments shall be due on the fifteenth day of the fourth month of the year; the fifteenth day of the sixth month; the fifteenth day of the ninth month; and on the fifteenth day of the first month of the next succeeding year. The proceeds shall be allocated equally on an annual basis as follows:

(1) To provide legal representation to low-income Tennesseans in civil matters in such manner as determined by the supreme court as described in § 16-3-808(c); provided, that one-fourth ($\frac{1}{4}$) of such funds shall be allocated to an appropriate statewide nonprofit organization capable of providing continuing legal education, technology support, planning assistance, resource development and other support to organizations delivering civil legal representation to indigents. The remainder shall be distributed to organizations delivering direct assistance to clients with Legal Services Corporation funding as referenced in the Tennessee State Plan for Civil Legal Justice approved in March, 2001, by the Legal Services Corporation;

(2) To the domestic violence state coordinating council, created by title 38, chapter 12, part 1;

(3) To the Tennessee Court Appointed Special Advocates Association (CASA); and

(4) To Childhelp.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: June 4, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2010



PHIL BREDESEN, GOVERNOR