



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 490**

**SENATE BILL NO. 456**

**By Bell, Bowling, Haile**

Substituted for: House Bill No. 134

By Lamberth, Hardaway, Powers

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, Part 1, relative to conditions placed upon a person's release on bail.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118, is amended by adding the following as a new subsection:

( ) (1) If the judge or magistrate determines that a person charged with vehicular assault under § 39-13-106, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218 on or after July 1, 2015, has a prior alcohol-related conviction, the use of a transdermal monitoring device shall be a condition of the person's bail agreement.

(2) All expenses associated with a person being subject to a transdermal monitoring device as a condition of bail shall be paid by that person. If the person believes there are legitimate medical reasons why the person is unable to be subject to the order, those reasons may be presented at the person's first appearance before a general sessions court judge or judge of a court of record. After hearing from the person subject to monitoring, the judge may waive, modify, or affirm an order requiring that person to be subject to transdermal monitoring.

(3) The offender shall choose an entity from a list approved by the court to provide, administer, and monitor the transdermal device ordered as a condition of bail. However, any entity placed on the approved list must have the ability to monitor the person's device on a daily basis and report any violation to the court having jurisdiction over the person's case by no later than the business day next following the violation. The person on bail shall remain subject to transdermal monitoring for the duration of the time the person is released on bail, unless the judge or magistrate specifically provides otherwise.

(4) If the report from the transdermal monitoring entity to the judge indicates that the person being monitored violated the conditions of release, the judge may issue a *capias* for the person's arrest for violation of bond conditions.

(5) As used in this subsection:

(A) "Alcohol-related conviction" means the person has been convicted prior to the instant conviction of a violation of § 39-13-213(a)(2), § 39-13-106, § 39-13-218, or § 55-10-401; and

(B) "Transdermal monitoring device" means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person's skin at least once per one-half ( $\frac{1}{2}$ ) hour regardless of the person's location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.

SECTION 2. Tennessee Code Annotated, Section 40-11-118, is amended by adding the following new subsection:

(1) If a person is required as a special bond condition to submit to monitoring pursuant to subdivisions (d)(2)(A) – (C) of this § 40-11-118, Section 1 of this act, or § 40-11-150 or § 40-11-152, it is a Class B misdemeanor:

(A) For that person to knowingly tamper with, remove, or vandalize the monitoring device; or

(B) For any person to knowingly aid, abet, or assist a person in tampering with, removing, or vandalizing a monitoring device.

(2) If an entity monitoring the device becomes aware that there has been an attempt to either tamper with, disable, remove, or otherwise make the device ineffective, or if the bonding agent becomes aware the person has violated any bond condition ordered by the court, then the entity monitoring the device shall promptly give notice of the violation to the court with jurisdiction over the person and the surety of the person's bail bond.

(3) The court shall take such action as the case may require, including, but not limited to, the revocation of bail. Additionally, the violation also constitutes a grounds for surrender under § 40-11-132.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to all applicable bond orders issued on or after that date.

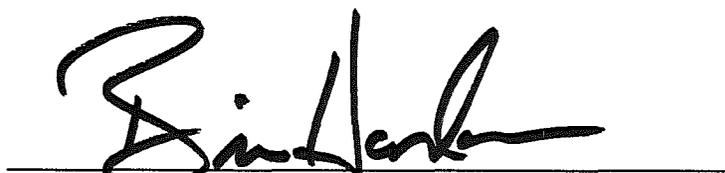
SENATE BILL NO. 456

PASSED: April 22, 2015

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 20<sup>th</sup> day of MAY 2015

  
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BILL HASLAM, GOVERNOR