

# State of Tennessee

## PUBLIC CHAPTER NO. 1075

HOUSE BILL NO. 1427

By Representatives Mark White, Hardaway, Akbari, Love, Lamberth, Lollar, Powers,  
McManus, Byrd

Substituted for: Senate Bill No. 2576

By Senator Norris

AN ACT to amend Tennessee Code Annotated, Title 40, relative to criminal procedure.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 11, Part 1, is amended by adding the following as a new section:

**40-11-153.**

(a) After an officer arrests a person for one (1) of the offenses listed in this subsection (a), but prior to the determination of bail for the arrest offense by the judge or magistrate, the arresting officer or the officer's agency shall exercise due diligence in determining the existence of prior arrests for, and violations of, § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401.

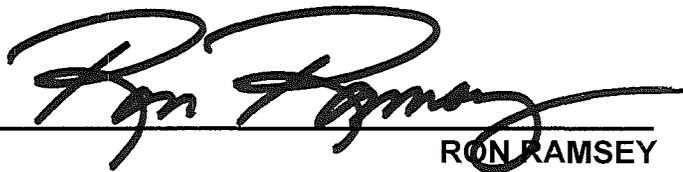
(b) Using due diligence to determine a person's criminal history means the officer makes use of all available databases, including the Tennessee bureau of investigation interstate identification index (III), the Tennessee criminal history database, driver license history, relevant information related to those prior convictions provided pursuant to § 40-6-203, and other official records regarding the person's prior criminal and arrest history to which the officer or officer's agency has access.

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

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PASSED: April 20, 2016

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 20<sup>th</sup> day of May 2016

  
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BILL HASLAM, GOVERNOR