

SENATE BILL 2254

By Massey

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5 and Title 16, Chapter 3, Part 4, relative to public records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following language as new subdivision (24):

(24)

(A) Identifying information about an alleged victim of a sexual offense under title 39, chapter 13, part 5, including the name, address, and telephone number of the alleged victim, shall be confidential. No portion of any report, paper, picture, photograph, video, court file, or other document in the custody or possession of any public officer or employee which identifies an alleged victim of a sexual offense shall be made available for public inspection or copying. No public officer or employee shall disclose any portion of a report, paper, picture, photograph, video, court file or other document which tends to identify such alleged victim, except pursuant to subdivision (a)(24)(B).

(B) Subdivision (a)(24)(A) shall not be construed to prohibit disclosure of personal information:

(i) To any person pursuant to a court order requiring release under § 10-7-505;

(ii) To any person upon application, notice to the district attorney general, good cause shown and approval by the criminal court where charges relating to the incident are filed or may be filed;

(iii) To any person or agency upon written consent of the alleged victim or other person legally responsible for the care of the alleged victim;

(iv) By a law enforcement agency, acting in accordance with its written policies, to further the interests of public safety or a criminal investigation; or

(v) By the district attorney general of the judicial district in which the alleged offense occurred, and any person to whom such district attorney general, in the discretion of the district attorney general, chooses to release the information, including counsel for a criminal defendant charged with the offense or a related offense; however, counsel for a criminal defendant shall not disclose any personal information about the alleged victim, other than the name of the alleged victim, to the defendant or any other persons unless granted leave to do so by the district attorney general or a court of competent jurisdiction.

(C) A court, authorizing the release of information under this part, may order any restrictions upon the disclosure authorized in subdivision (a)(24)(B)(i), as it deems necessary and proper.

(D) Nothing contained in this subdivision (a)(24) shall be construed to require a court to exclude the public from any stage of a civil or criminal proceeding.

(E) Nothing contained in this subdivision (a)(24) shall be construed to affect or limit the confidentiality provisions of § 37-1-612 or § 37-1-409.

SECTION 2. Tennessee Code Annotated, Section 16-3-406, is amended by adding the language “, including title 10, chapter 7,” immediately after the word “laws”.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.