

HOUSE BILL 1434

By Sherrell

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39; Title 40 and Title 55, relative to criminal
law.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, is amended by adding the following new part:

(a) There is created a victims of traumatic crime study committee to study the traumatic effects victims suffer as a result of crimes which do not involve physical harm.

The committee will consist of ten (10) members as follows:

(1) Two (2) members of the senate, to be appointed by the speaker of the senate;

(2) Two (2) members of the house of representatives to be appointed by the speaker of the house of representatives;

(3) One (1) person with credentialing, expertise, and knowledge, who studies in the field of emotional, mental, and psychological trauma, to be appointed by the speaker of the senate;

(4) One (1) person with credentialing, expertise, and knowledge, who studies in the field of emotional, mental, and psychological trauma, to be appointed by the speaker of the house of representatives;

(5) One (1) victim of a crime which does not involve physical harm, such as burglary, stalking, or harassment, to be appointed by the speaker of the senate from a list of five (5) qualifying individuals as submitted by the Tennessee Voices for Victims Advocacy Group;

(6) One (1) victim of a crime which does not involve physical harm, such as burglary, stalking, or harassment, to be appointed by the speaker of the house of representatives from a list of five (5) qualifying individuals as submitted by the Hope for Victims Advocacy Group;

(7) One (1) victim witness coordinator, to be appointed by the speaker of the senate; and

(8) One (1) victim witness coordinator, to be appointed by the speaker of the house of representatives.

(b) The committee must choose as chair and vice chair committee members from the general assembly.

(c) The committee must conduct hearings on the traumatic effect of crimes that do not involve physical harm, such as burglary, stalking, and harassment. The focus must be on the emotional, mental, and psychological trauma which these victims endure.

(d) The committee may compile a comprehensive list of resources that are available to victims of those crimes that produce mental, emotional, or psychological trauma but do not involve physical harm. The chair of the committee may call on appropriate state agencies for reasonable assistance in the work of the committee, including, but not limited to, the department of mental health and substance abuse services.

(e) The committee may make recommendations on how to strengthen statutes for victims of those crimes which produce mental, emotional, or psychological trauma and may make recommendations on additional resources that need to be prioritized to support to these victims.

(f) The committee shall report its findings on or before March 1, 2022, and may in that report provide any legislative recommendations the committee finds appropriate.

SECTION 2. Tennessee Code Annotated, Section 40-38-103(b), is amended by deleting from the first sentence the language "Upon the request of a victim of violent crime involving serious bodily injury or death of a relative," and substituting instead the language "Upon the request of any crime victim,".

SECTION 3. Tennessee Code Annotated, Section 40-38-117, is amended by deleting the section and substituting:

(a) Any victim of a crime has the right to refuse a request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant for an interview or other communication with the victim and shall not be questioned at any hearing related to the criminal prosecution about the victim's refusal to do so.

(b) Prior to communication with the victim of any crime, a defendant who is being prosecuted for a criminal offense involving the victim or anyone acting on behalf of the defendant, including, but not limited to, an attorney or an investigator, shall present a written form to the victim detailing the rights of the victim, including the right to decline the interview. The communication and the waiver shall clearly state if the person is acting on behalf of a criminal defendant. If the victim agrees to an interview, then the victim must sign a waiver to that effect and must be provided with a signed copy of the waiver. The victim has the right to end the communication or interview at any time and this right must also be clearly stated on the form. The defendant or the defendant's representative shall provide the clerk of the court of record in which the criminal prosecution is pending with a signed copy of the waiver.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.