

SENATE BILL 3307

By Burks

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 3, Part 6, relative to orders of protection,
court costs and litigation taxes therefore.

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

SECTION 1. Tennessee Code Annotated, Section 36-3-617, is amended by inserting
the following between the second and third sentences of subsection (a):

However, if the petition is dismissed because the respondent could not be served
or for any other reason not the fault of the petitioner, or is dismissed for a reason
unrelated to the merits of the petition, the petitioner shall not be required to pay any filing
fees, litigation taxes or other costs associated with the petition.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

SENATE BILL 4032

By Burks

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13, Part 1 and Title 40, Chapter 38, Part 4, to create the "Senator Tommy Burks Victim Assistance Academy".

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

SECTION 1. Tennessee Code Annotated, Section 29-13-116, is amended by deleting subsection (c)(2) in its entirety and by substituting instead the following:

(2) The Senator Tommy Burks Victim Assistance Academy created pursuant to title 40, chapter 38, part 4 for the purpose of supporting the activities of the Academy. Provided, however, no such grant shall be issued unless the Academy submits to the Tennessee department of finance and administration, office of criminal justice programs a plan specifying the use of the moneys and such plan is approved by the office of criminal justice programs. In determining whether to approve the plan for any given year, the office of criminal justice programs shall ensure the plan specifies that the money shall be used to benefit victims of all types of crime as provided in § 40-38-403. The grant authorized in this subdivision (2) shall not exceed one hundred thousand dollars (\$100,000) and is subject to authorization contained in the general appropriations act.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 38, Part 4, is amended by deleting the part in its entirety and by substituting instead the following:

Section 40-38-401.

There is hereby created the Senator Tommy Burks Victim Assistance Academy, hereinafter referred to as the "Academy", to be organized and administered in accordance with the provisions of this part.

Section 40-38-402.

The Academy shall be attached to the Tennessee Coalition Against Domestic and Sexual Violence. All administrative expenses incurred by the Academy shall be paid from funds the Academy or the Tennessee Coalition Against Domestic Sexual Violence receives pursuant to § 40-38-404.

Section 40-38-403.

Notwithstanding its association with the Tennessee Coalition Against Domestic and Sexual Violence, the purpose of the Academy is to improve services to victims of all types of crime by making available a comprehensive, basic-level victim assistance curriculum and training program to victim services providers and allied professionals.

Section 40-38-404.

Funding for the Academy shall come from grants, donations, gifts, and appropriations made for that purpose.

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

SENATE BILL 3326
By Burks

HOUSE BILL 3735

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 1, relative to violation of an order
of protection or restraining order.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-113, is amended by deleting subsection (f)(3) and substituting instead the following:

(3) The court made specific findings of fact in the order of protection or restraining order that the person was a victim of domestic abuse, sexual assault or stalking as defined in § 36-3-601.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL 4050

By Marrero B

AN ACT to amend Tennessee Code Annotated, Section
40-24-109, relative to assisting victims.

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

SECTION 1. Tennessee Code Annotated, Section 40-24-109, is amended by adding
the following as a new subsection:

(h) Nothing in this section shall be construed to prevent a county from funding
more than one program to assist victims.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it.

HOUSE BILL 3554

By Kernell

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 38, Chapter 12, relative to
the domestic violence state coordinating council.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-228(a), is amended by deleting item (6) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 29, Part 2, is amended by adding a new section thereto, as follows:

Section 4-29-2__.

(a) The following governmental entities shall terminate on June 30, 2014:

() Domestic violence state coordinating council, created by § 38-12-101;

(b) Each department, commission, board, agency, or council of state government created during calendar year 2012 terminates on June 30, 2014.

(c) Any governmental entity that has been terminated under this section may be continued, reestablished or restructured in accordance with this chapter.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.

HOUSE BILL 456

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 1, relative to assaults and
aggravated assaults.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subsection (a) and substituting instead the following:

(a) A person commits aggravated assault who:

(1) Intentionally or knowingly commits an assault as defined in § 39-13-101, and:

(A) Causes serious bodily injury to another;

(B) Uses or displays a deadly weapon; or

(C) Attempts or intends to cause serious bodily injury to another by strangulation; however, the state shall not be required to prove that the strangulation resulted in actual injury to the victim; or

(2) Recklessly commits an assault as defined in § 39-13-101(a)(1), and:

(A) Causes serious bodily injury to another; or

(B) Uses or displays a deadly weapon.

(3) For purposes of subdivision (a)(1)(C) "strangulation" means intentionally impeding normal breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose or mouth of another person.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.

SJR 0127 HEALTH CARE: Constitutional amendment - funding of abortions.

Adds new provision to Article I to provide that nothing in Constitution of Tennessee secures or protects right to abortion or requires the funding of an abortion. (S: Black) Senate amendment 3, as amended, adds language to clarify that the people retain the right through their state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including in the cases of pregnancy resulting from rape or incest or when necessary to save the life of the mother.

Senate History:

Introduced 3/1/2007

Referred to Senate Judiciary.

Set for Senate Judiciary Committee 01/08/2008.

Senate Judiciary 01/08/2008 recommended. Sent to Calendar Committee.

Set for Senate floor 01/14/2008.

Senate deferred to 01/17/2008.

Set for Senate floor 01/17/2008.

Senate heard on first reading 01/17/2008.

Set for Senate floor 01/23/2008.

Senate heard on second reading 01/23/2008.

Set for Senate floor 01/24/2008.

Senate deferred to 01/28/2008, after adopting Senate amendment 3, as amended. The Senate 01/24/2008 then heard SJR 127, as amended, on first reading. Senate amendment 3, as amended, adds language to clarify that the people retain the right through their state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including in the cases of pregnancy resulting from rape or incest or when necessary to save the life of the mother. Set for Senate floor 01/28/2008.

Senate heard on second reading 01/28/2008 and deferred to 01/30/2008 for third reading.

Set for Senate floor 01/30/2008.

Senate 01/30/2008 adopted, as amended by previously adopted amendment.

Senate Joint Resolution 0127

SENATE Amendment 1-0

by deleting the amendatory language of the first resolving clause in its

Senate Joint Resolution 0127

SENATE Amendment 2-0

by deleting the amendatory language of the first resolving clause in its entirety and by substituting instead the following:

Nothing in this Constitution secures or protects a right to abortion or the funding thereof, except that government shall not interfere with or prevent a woman from ending a pregnancy when she is the victim of incest and has become pregnant as a result of such incest; when she is the victim of rape and has become pregnant as a result of such rape; or to save her life. The government shall not interfere with the decision of the family of a child rape victim to end that pregnancy. For the purpose of construing this section, rape and incest shall be defined as such terms are defined in the criminal laws of this state. No person shall perform a partial-birth abortion.

Senate Joint Resolution 0127

SENATE Amendment 3-0

By adding the following language at the end of the first resolving clause immediately after the language "abortion.":

The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including circumstances of pregnancy resulting from rape or incest.

Senate Joint Resolution 0127

SENATE Amendment 3-1

by deleting the period after the word "incest" and by adding the language "or when necessary to save the life of the mother."

Senate Joint Resolution 0127

SENATE Amendment 4-0

by adding the following sentence to the end of the amendatory language proposed by the first resolving clause:

The government shall not punish a woman for ending a pregnancy when she is the victim of incest and has become pregnant as a result of such incest; when she is the victim of rape and has become pregnant as a result of such rape; or to save her life. The government shall not punish a child rape victim or her family or her physician for ending a pregnancy caused by rape. For the purpose of construing this section, rape and incest shall be defined as such terms are defined in the criminal laws of this state. No person shall perform a partial- birth abortion.

Senate Joint Resolution 0127

SENATE Amendment 5-0

by adding the following sentence to the end of the amendatory language proposed by the first resolving clause:

The government shall not punish a victim for refusing to bear a child for the criminal who raped her. No person shall perform a partial-birth abortion.

Senate Joint Resolution 0127

SENATE Amendment 6-0

by adding the following language at the end of the amendatory language of the first resolving clause:

The government shall not punish a woman or her physician for ending a pregnancy when medically necessary to save her life. No person shall perform a partial- birth abortion.

Senate Joint Resolution 0127

SENATE Amendment 7-0

by adding the following language at the end of the amendatory language of the first resolving clause:

The government shall not interfere with the decision of the family and physician to end the pregnancy of a child when the family and physician determine that it is necessary to save the life of the pregnant child. No person shall perform a partial birth abortion.

Senate Joint Resolution 0127

SENATE Amendment 8-0

by adding the following language at the end of the amendatory language of the first resolving clause:

The government shall not interfere with the decision of the family and physician to end the pregnancy of a child rape victim, who is pregnant as a result of the rape, when the family and physician determine that it is necessary to save the life of the pregnant child. No person shall perform a partial birth abortion.

Senate Joint Resolution 0127

SENATE Amendment 9-0

By adding the following language at the end of the first resolving clause immediately after the language "abortion.":

The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, where the pregnancy has occurred from rape or incest, or where the life of the mother is threatened, or in any other circumstance.