

SENATE BILL 388

By Taylor

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40; Title 55; Chapter 969 of the Public Acts of
2024 and Chapter 1033 of the Public Acts of 2024,
relative to global positioning monitoring.

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 new section:

(a) Following the arrest of a person for an offense listed in subsection (b), the court or magistrate shall order the defendant to wear a global positioning monitoring system device as a condition of bail as set forth in § 40-11-152(b)(2), unless the court or magistrate finds the offender no longer poses a threat to the alleged victim or public safety.

(b) This section applies to a defendant arrested for:

(1) An offense, during the course of which:

(A) The defendant carried, possessed, or used a firearm or dangerous weapon;

(B) A person was killed or suffered serious bodily injury; or

(C) The defendant used force against the person of another;

(2) Domestic assault, under § 39-13-111;

(3) Burglary of a freight or passenger car, automobile, truck, trailer, boat, airplane, or other motor vehicle, under § 39-13-1002(a)(4);

(4) Reckless driving, under § 55-10-205;

(5) Drag racing, under § 55-10-502; or

(6) A second or subsequent offense under title 39, chapter 13, part 10 or title 39, chapter 14, part 1.

(c) The clerk of each court that orders the use of global positioning monitoring pursuant to subsection (a) shall report the number of defendants currently subject to such an order and the offenses for which the defendant is awaiting trial on a monthly basis to the administrative office of the courts. The administrative office of the courts shall compile an annual report of the number of defendants subject to such an order, including totals for each county, to be submitted to the criminal justice committee of the house of representatives and the judiciary committee of the senate by July 1 of each year.

SECTION 2. Tennessee Code Annotated, Section 40-11-152(b)(2), is amended by deleting the language:

Pursuant to § 40-11-150(n), if the court or magistrate finds probable cause to believe that one (1) or more of the circumstances in § 40-11-150(n)(1) did occur, then unless the court or magistrate finds the offender no longer poses a threat to the alleged victim or public safety and makes such a finding in a written order, the court or magistrate shall order a defendant who is charged with the offense of aggravated assault, as defined in § 39-13-102(a)(1)(A)(i), (a)(1)(A)(iii), or (a)(1)(A)(iv), in which the alleged victim of the offense is a domestic abuse victim, as defined in § 36-3-601, to do the following as a condition of bail:

and substituting instead:

Pursuant to § 40-11-150(n) and SECTION 1, if the court or magistrate finds probable cause to believe that one (1) or more of the circumstances in § 40-11-150(n)(1) or SECTION 1(b) did occur, then unless the court or magistrate finds the offender no longer poses a threat to the alleged victim or public safety and makes such a finding in a

written order, the court or magistrate shall order the defendant to do the following as a condition of bail:

SECTION 3. This act takes effect July 1, 2025, the public welfare requiring it.