

Frequently Asked Questions: Understanding the PEACE Act

*This document does not give legal advice, and you should not rely on it as legal advice.
You should speak with a lawyer to get advice on your specific situation.*

In 2025, the Tennessee General Assembly passed a law known as “the PEACE Act” purportedly in response to several antisemitic Neo-Nazi demonstrations that were held around Nashville in 2024. While the law’s sponsors describe it as a deterrent against hate crimes, its provisions may unconstitutionally restrict the public’s civil liberties, especially when interacting with law enforcement.

Littering

Tennessee law already criminalizes behavior that intimidates others to prevent them from exercising their rights under the state and federal constitutions. The PEACE Act’s changes make it a crime to litter or trespass with the intent to intimidate someone who is exercising their rights, or to prevent them from exercising them.¹ “Littering” is broadly defined to include placing, dropping, or throwing “garbage, refuse, rubbish, unsolicited flyers, or other waste material on any public or private property without permission.”² Violations of this law are Class A misdemeanors.³

While the broad definition of “littering” is troubling, it is **unlikely that this law will affect typical forms of canvassing or organizing protected by the First Amendment**. Enforcement is limited to cases where there was an intent to intimidate someone against exercising their civil rights. The sponsors of the law claim that it will only be applied in egregious cases, so it seems that political canvassing or similar activities will generally not be prohibited (absent intent to intimidate someone).

Stop and Identify

The PEACE Act allows law enforcement officers to stop individuals and request identification when they have reasonable suspicion that a crime has been or is about to be committed. **Officers may ask the individual to provide physical or verbal identification, but the failure or inability to produce a physical form of identification is not a crime.** It is a Class C misdemeanor, however, for an individual to provide a false or fictitious name to a law enforcement officer who has “lawfully detained or arrested” them.⁴

Notably, under the terms of the law, there is no criminal penalty for remaining silent when asked to identify yourself. Penalties only apply when an individual intentionally provides a “false or fictitious name.”⁵

¹ Tenn. Code Ann. § 39-17-309(b)(5)-(6).

² Tenn. Code Ann. § 39-17-309(f).

³ Tenn. Code Ann. § 39-17-309(d)(2).

⁴ See Tenn. Code Ann. § 39-16-611. [TN CODE NOT UPDATED]

⁵ See Tenn. Code Ann. § 39-16-611. [TN CODE NOT UPDATED]

Law Enforcement Halo

The PEACE Act empowers law enforcement officers conducting lawful traffic stops, overseeing active investigations of alleged crimes, or addressing ongoing and immediate threats to public safety to create 25-foot halos around themselves. **This means that law enforcement can require public citizens to remain at least 25 feet away as they conduct these official duties. Violations of this halo law are Class B misdemeanors.**⁶

This law does not require the public to always automatically stay 25 feet away from law enforcement officers. It simply says that no one may approach an officer within 25 feet when they, while conducting official duties, give orders to stop or retreat.⁷ The only valid defense is that the officer's order was not capable of being properly received or understood under the circumstances at the time.⁸

The First Amendment protects the right to observe and record law enforcement interactions, and giving police officers the ability to restrict public accountability in this manner raises serious constitutional concerns.⁹ This law imposes a minimum distance of 25 feet, which may not always be close enough to properly record an encounter with the police.¹⁰ Many federal courts from around the country have weighed in on this issue, repeatedly emphasizing that the government can only impose *reasonable* restrictions on the First Amendment right to film the police. While no court has directly ruled on what constitutes a "reasonable" restriction, a federal appellate court has concluded that restrictions on filming the police are only valid if "the filming itself is interfering, or is about to interfere, with [official] duties."¹¹

Miscellaneous Provisions

- The PEACE Act criminalizes transporting people in a "box truck," which is a truck or van with an enclosed cargo area that is designed to carry property, not passengers. **Using a box truck to transport people along municipal streets, county roads, or state highways is a Class B misdemeanor.**¹²
- **Under the PEACE Act, it is a Class B misdemeanor to place signs, signals, or markings on highways, bridges, overpasses, or tunnels without written authorization from the entity that maintains it.**¹³
- **The PEACE Act allows law enforcement officers and peace officers to make arrests based on probable cause that a misdemeanor was committed, regardless of whether it was committed in the officer's presence.**¹⁴ Legislators in support of the law expressed interest in **using it against protesters who occupy public bridges and highways but then leave the scene before law enforcement arrives.** In the past, various courts have upheld laws like this one, concluding that they do not violate the Fourth Amendment.¹⁵

NOTE ABOUT CITATIONS: Many of the provisions have not been implemented into Tennessee Code yet. The citations provided are informed estimates based on the legislation and may be subject to change.

⁶ See Tenn. Code Ann. § 39-16-612. [TN CODE NOT UPDATED]

⁷ See Tenn. Code Ann. § 39-16-612. [TN CODE NOT UPDATED]

⁸ See Tenn. Code Ann. § 39-16-612. [TN CODE NOT UPDATED]

⁹ The United States District Court for the Northern District of Ohio has concluded that the First Amendment protects video recording of police officers performing their official duties in public. *Crawford v. Geiger*, 131 F.Supp.3d 703, 714 (N.D. Ohio, 2015) ("[T]here is a First Amendment right openly to film police officers carrying out their duties in public.").

¹⁰ See, e.g., *Glik v. Cunniffe*, 655 F.3d 78, 82-84 (1st Cir. 2011) ("The filming of government officials engaged in their duties in a public place, including police officers performing their responsibilities, fits comfortably within [First Amendment] principles."); see also *Turner v. Lieutenant Driver*, 848 F.3d 678, 688 (5th Cir. 2017) ("We conclude that First Amendment principles, controlling authority, and persuasive precedent demonstrate that a First Amendment right to record the police does exist, subject only to reasonable time, place, and manner restrictions.").

¹¹ *Gericke v. Begin*, 753 F.3d 1, 8 (1st Cir. 2014) ("However, a police order that is specifically directed at the First Amendment right to film police performing their duties in public may be constitutionally imposed only if the officer can reasonably conclude that the filming itself is interfering, or is about to interfere, with his duties. *Glik's* admonition that, '[i]n our society, police officers are expected to endure significant burdens caused by citizens' exercise of their First Amendment rights' will bear upon the reasonableness of any order directed at the First Amendment right to film, whether that order is given during a traffic stop or in some other public setting.").

¹² See Tenn. Code Ann. § 55-8-215. [TN CODE NOT UPDATED]

¹³ See Tenn. Code Ann. § 39-17-319. [TN CODE NOT UPDATED]

¹⁴ Tenn. Code Ann. § 40-7-103(a)(12); Tenn. Code Ann. § 40-7-118(c)(3).

¹⁵ *Barry v. Fowler*, 902 F.2d 770, 772 (9th Cir. 1990) (citing *Street v. Surdyka*, 492 F.2d 368, 371-72 (4th Cir. 1974) (cited in *Welsh v. Wisconsin*, 466 U.S. 740, 756 (J. White dissenting) (1984))); see also *Soltesz v. City of Sandusky*, 138 F.Supp.2d 932, 937 (N.D. Ohio 2001).