

ACLU-TN Legislative Highlights: Criminal Justice - Juvenile Justice
110th Tennessee General Assembly – 2017



| Bill | Bill Description | Bill Status | Position |
|--|---|--------------------------------|----------|
| SB 0196 (Overbey) HB 0483 (Forgety) | As introduced, establishes a progressive truancy intervention program in K-12 schools that involves tiers of pre-juvenile court programs designed to keep a truant child out of the juvenile court system. Prohibits in-school suspension or out-of-school suspension from being used as part of the progressive truancy interventions adopted by schools for unexcused absences from class or school. | Current Status | Support |
| SB 0197 (Overbey) HB 0274 (McCormick) | As introduced, establishes factors a court must consider when sentencing a juvenile who has been transferred and convicted in adult court, such as age, level of participation in the crime, family environment, intellectual capacity, etc. Sets a maximum number of years, depending on whether the crime results in death or not, a juvenile can be required to serve for adult crimes. Makes the provisions retroactive to juveniles serving adult sentences prior to effective date. | Current Status | Support |
| SB 0319 (Harris) HB 0723 (Gilmore) | As introduced, creates an affirmative defense to the enhanced punishment for selling drugs on the grounds of or within 1,000 feet of a school, child care center, library, recreational center, or park. Specifies that an instance of law enforcement, or an agent of law enforcement, suggesting, requesting, or luring the defendant into the prohibited area is included in the affirmative defense. | Current Status | Support |
| SB 0326 (Harris) HB 0380 (Love) | As introduced, prohibits any child who is alleged to have committed a delinquent act or be unruly shall not be subject to solitary confinement while the child is detained in a juvenile facility. | Current Status | Support |
| SB 0775 (Beavers) HB 0794 (Sparks) | As introduced, prohibits interrogation or interview of a child who has been taken into custody due to suspicion that the child committed a delinquent act or unruly conduct except in the presence of the child's legal counsel, parent, guardian, or custodian; requires that a video recording be made of the interview and that the child be informed of certain rights. | Current Status | |
| SB 0807 (Harris) HB 0725 (Gilmore) | As introduced, reduces from 1,000 feet to 500 feet the drug-free school zone surrounding real property comprising a public or private elementary school, middle school, secondary school, preschool, or child care agency or public library, recreational center, or park. | Current Status | Support |
| SB 0862 (Gresham) HB 1125 (Parkinson) | As introduced, requires local boards of education, in consultation with the state board of education, to adopt a policy mandating attendance at an alternative school or alternative program upon suspension or expulsion from school. | Current Status | Support |

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| SB 1113 (Kyle) HB 0821 (Gilmore) | <p>As introduced, removes requirement that a person convicted of a drug offense in a drug-free school zone must serve the entire minimum sentence imposed before being eligible for release on parole.</p> | Current Status Support |
| SB 1114 (Kyle) HB 0818 (Gilmore) | <p>As introduced, makes defendants convicted for having or selling drugs in school zones eligible for parole after serving 33 percent of the defendant's sentence; eliminates the requirement that defendants serve a mandatory minimum sentence before parole eligibility.</p> | Current Status Support |
| SB 1129 (Kyle) HB 1113 (Farmer) | <p>As introduced, removes the requirement that a person convicted of a drug offense in a drug-free school zone must serve the entire minimum sentence imposed before being eligible for release on parole or another release program.</p> | Current Status Support |
| SB 1195 (Norris) HB 0307 (Hawk) | <p>As introduced, requires the state board of education to promulgate rules to ensure the education of students incarcerated in detention centers licensed by the department of children's services by the LEA in which the detention center is located.</p> | Current Status Support |
| SB 1243 (Norris) HB 0578 (Curcio) | <p>As introduced, requires expunction of certain juvenile records upon petition; requires an adjudicating court to inform a child of the need to petition for expunction and to provide the child with a petition form; requires the administrative office of the courts to create a model petition form and distribute it to all juvenile court clerks; requires juvenile court clerks to make the form available to all petitioners.</p> | Current Status Support |
| SB 1244 (Norris) HB 0577 (Curcio) | <p>As introduced, requires an adjudicating court to inform a child of the need to petition the court for expunction of a juvenile record; requires the administrative office of the courts to create and distribute an expunction petition form; requires juvenile court clerks to make the expunction petition form available to all petitioners, and to send notice of the right to petition for expunction to a child when the child attains 17 years of age.</p> | Current Status Support |
| SB 1253 (Norris) HB 0636 (Akbari) | <p>As introduced, makes various changes to the expunction of juvenile court records, including creating a process for the expunction of juvenile court records for cases in which the juvenile successfully completed pretrial or judicial diversion.</p> | Current Status Support |
| SB 1394 (Tate) HB 0872 (Akbari) | <p>As introduced, prohibits the suspension or expulsion of students in pre-kindergarten and kindergarten unless the student's behavior endangers the physical safety of other students or school personnel.</p> | Current Status Support |

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[HB 0820 \(Gilmore\)](#)

As introduced, changes from 1,000' to 500' the distance away from a school, library, or park a person must sell drugs to qualify for enhanced penalties under the drug free school-zone law.

[Current Status](#)

Support

[HB 1124 \(Parkinson\)](#)

As introduced, requires local boards of education to establish at least one alternative school for students in grades one through six; requires local boards of education to adopt a policy mandating attendance at an alternative school upon suspension or expulsion from school.

[Current Status](#)

Support