

SENATE BILL 3219

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to release of confidential records in certain
circumstances.

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

SECTION 1. Tennessee Code Annotated, Section 37-5-107(a), is amended by deleting the language "Any person or entity" from the last sentence of the subsection and by substituting instead the language "Except as provided in subdivision (2), any person or entity".

SECTION 2. Tennessee Code Annotated, Section 37-5-107(a), is amended by designating the existing language as subdivision (a)(1) and by adding the following language to be designated as subdivision (2):

(2)

(A) In order to verify that the appropriate personnel of the department are properly applying and enforcing all statutory requirements enacted by the general assembly with respect to services for children in state custody and at risk of entering state custody, upon request and with the written authorization of the subject of a report or the subject's parent or guardian, the department shall release the report and associated records concerning the subject of such report to any member of the general assembly who has been contacted by a party involved in such report.

(B) Nothing in this subdivision (2) shall ever be construed to permit or require the department to release or disclose the identify of the person making a report of harm in accordance with the law.

(C) All personal identifying information included in such records and received by the member shall be and remain confidential and shall not be a

public record. All other information and facts included in such report are available for public disclosure and discussion by the member or any committee of the general assembly for the purposes stated in this subdivision and for determining whether legislation should be revised or enacted to properly advance the stated purposes established in § 37-5-102.

(D) For purposes of this act, “personal identifying information”, includes but is not limited to all names; home, school or work addresses; telephone numbers; social security numbers; driver license number; or any other information which would in any way identify or lead to the identification of the victim, perpetrator, case worker, witness, person making the report or any other person named in the report.

SECTION 3. Tennessee Code Annotated, Section 37-1-612(a), is amended by deleting the language “except as specifically authorized by title 37, chapter 5, part 5, the provisions of this part and part 4 of this chapter” and by substituting instead the language “except as specifically authorized by § 37-5-107(a)(2), title 37, chapter 5, part 5, the provisions of this part and part 4 of this chapter”.

SECTION 4. Tennessee Code Annotated, Section 37-1-612(b), is amended by deleting the language “Except as otherwise provided in this part or part 4 of this chapter” and by substituting instead the language “Except as otherwise provided in § 37-5-107(a)(2), this part or part 4 of this chapter”.

SECTION 5. Tennessee Code Annotated, Section 37-1-409(a)(1), is amended by deleting the language “Reports of harm made under this part” and by substituting instead the language “Except as otherwise provided in § 37-5-107(a)(2), reports of harm made under this part”.

SECTION 6. For purposes of promulgating necessary rules and regulations to implement the provisions of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2008, the public welfare requiring it.