



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 738**

**SENATE BILL NO. 2313**

**By Gardenhire, Gresham, Pody**

Substituted for: House Bill No. 2578

By Carter, Sparks, Lamberth, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 4, Part 6 and Title 10, Chapter 7, relative to open records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-503, is amended by adding the following new subsection:

(1) Notwithstanding any law to the contrary, a governmental entity shall not authorize the destruction of public records subject to disclosure under this part if the governmental entity knows the records are subject to a pending public record request submitted to the governmental entity.

(2) Prior to authorizing the destruction of public records, a governmental entity shall contact the public record request coordinator to ensure the records subject to destruction are not subject to any pending public record requests submitted to the governmental entity.

(3) A governmental entity that authorizes the destruction of public records in violation of this part may be fined up to five hundred dollars (\$500) by a court of competent jurisdiction.

(4) A governmental entity is not liable under this subsection ( ) for authorizing the destruction of public records if the governmental entity contacted the respective records custodian in accordance with subdivision ( ) (2) and received notice from the records custodian that the records were not subject to a pending public record request.

(5) This subsection ( ) does not absolve a public official from criminal liability for intentionally or knowingly altering or destroying a public record in violation of § 39-16-504.

(6) This subsection ( ) does not prohibit a records custodian from disposing of public records in accordance with an established records retention schedule or records retention policy as part of the ordinary course of business when the records custodian is without knowledge that the records are subject to a pending public record request.

(7) Written or electronic correspondence regarding a public record request, including, without limitation, forms, emails, letters, facsimiles, and other attachments must be retained by the respective records custodian for not less than twelve (12) months. This subdivision ( ) (7) does not apply to the public records subject to the request.

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

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PASSED: June 16, 2020

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 22<sup>nd</sup> day of June 2020

  
BILL LEE, GOVERNOR