



# State of Tennessee

## PUBLIC CHAPTER NO. 1097

### SENATE BILL NO. 2000

By Bell

Substituted for: House Bill No. 2040

By Curcio, Whitson, Ogles

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40; Title 55 and Title 69, relative to electronic monitoring.

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

(a) As used in this section, "contract service provider":

(1) Means a private entity that enters into a written contract or agreement with a government entity of this state to provide supervision of offenders using an electronic monitoring device; and

(2) Does not include:

(A) An ignition interlock provider; or

(B) An electronic monitoring device manufacturer or producer.

(b) A contract service provider must:

(1) Have a written contract with the government entity containing the following:

(A) A description of the responsibilities of the contract service provider and the services to be rendered;

(B) Requirements for bonding of staff;

(C) Staffing levels and standards of supervision, including the type and frequency of contacts;

(D) Procedures for handling indigent offenders;

(E) Reporting procedures and circumstances for violations;

(F) Reporting and recordkeeping procedures;

(G) Default and contract termination procedures; and

(H) A schedule listing the fees and charges assessed to the offenders supervised by the contract service provider; and

(2) Maintain general liability insurance coverage of at least one million dollars (\$1,000,000) at all times while providing contract services and provide the government entity with written documentation of the insurance coverage.

(c) A contract service provider has the following responsibilities:

(1) Providing services for the supervision of offenders assigned to the contract service provider by the court;

(2) Training all employees who have contact with offenders to provide accurate information regarding the offender's case and to maintain confidentiality;

(3) Requiring a fingerprint-based criminal background check in accordance with subsection (n) on every employee prior to the employee beginning employment;

(4) Maintaining an employee folder for every employee containing the job application, signed confidentiality statements as required by this section, training records, criminal justice experience, documentation of education, and the written notice from the contracting government entity pursuant to subsection (n) stating whether the employee meets criteria or does not meet criteria for employment based on the criminal background check;

(5) Prohibiting the solicitation of offenders for products or services that present a conflict of interest;

(6) Ensuring the quality of case management and execution of all court orders in a professional manner;

(7) Being responsible for the actions of all employees carried out within the scope of employment;

(8) Being accountable to the contracting government entity and the court in reporting the status of cases assigned to the contract service provider for supervision;

(9) Notifying the contracting government entity in writing within ten (10) days of an owner, director, or employee being charged with, arrested for, entering a plea of guilty or nolo contendere to, or being convicted of a misdemeanor offense involving moral turpitude or a felony offense; and

(10) Employing a person as a director who is responsible for the direct supervision of caseworkers.

(d) Each director of a contract service provider must:

(1) Have a bachelor's degree from an accredited college or university in the field of criminal justice, administration, social work, or behavioral science, and two (2) years of experience in criminal justice or social work. Four (4) years of professional administrative experience with an organization providing services in the field of criminal justice or social work may be substituted for a bachelor's degree;

(2) Sign a confidentiality statement agreeing to hold offender records confidential;

(3) Be of good moral character and not have been convicted of or pled guilty or nolo contendere to a misdemeanor offense involving moral turpitude, or to a felony offense within the last ten (10) years unless a pardon has been obtained, or have an outstanding warrant for the employee's arrest;

(4) Supply a fingerprint sample to be submitted for a criminal background check in accordance with subsection (n); and

(5) Complete orientation training within six (6) months of beginning operations and annual in-service training as required by this section.

(e) A person employed as a caseworker with a contract service provider must:

(1) Be at least twenty-one (21) years of age;

(2) Have at least two (2) years of experience with a criminal justice or social services agency, or an associate degree from an accredited college or university;

(3) Complete orientation training within six (6) months of beginning employment duties and annual in-service training as required by this section;

(4) Be of good moral character and not have been convicted of or pled guilty or nolo contendere to a misdemeanor offense involving moral turpitude, or to a felony

offense within the last ten (10) years unless a pardon has been obtained, or have an outstanding warrant for the employee's arrest;

(5) Supply a fingerprint sample to be submitted for a criminal background check in accordance with subsection (n);

(6) Sign a confidentiality statement agreeing to hold offender records confidential; and

(7) Sign a statement that is cosigned by the contract service provider director and indicates that the caseworker has received an orientation on the policies, procedures, and guidelines relevant to the caseworker's job duties.

(f) An employee other than a caseworker may assist a caseworker with case-related administrative duties, but shall not have decision-making authority with respect to offenders. An employee who provides services to offenders, who has access to contract service provider records, who has telephone or face-to-face contact with offenders, or who has access to offender data must meet the following requirements:

(1) Be at least twenty-one (21) years of age;

(2) Sign a confidentiality statement agreeing to hold offender records confidential;

(3) Sign a statement that is cosigned by the contract service provider director and indicates that the employee has received an orientation on the policies, procedures, and guidelines relevant to the employee's job duties;

(4) Be of good moral character and not have been convicted of or pled guilty or nolo contendere to a misdemeanor offense involving moral turpitude, or to a felony offense within the last ten (10) years unless a pardon has been obtained, or have an outstanding warrant for the employee's arrest;

(5) Supply a fingerprint sample to be submitted for a criminal background check in accordance with subsection (n);

(6) Have at least a high school diploma or an equivalent diploma; and

(7) Complete orientation training within six (6) months of beginning employment duties and annual in-service training as required by this section.

(g) Contract service providers must provide training to all employees consisting of a minimum of forty (40) hours of orientation training that must be completed within six (6) months of employment and twenty (20) hours of annual in-service training. The training must include:

(1) Orientation to electronic monitoring;

(2) An overview of types of equipment used for electronic monitoring;

(3) Training related to an overview of the criminal justice system;

(4) Instruction on recognizing and reading court orders;

(5) Public relations;

(6) Media relations;

(7) Family and offender orientation;

(8) The importance of recordkeeping;

(9) Data entry and familiarization with forms;

(10) Installing and troubleshooting equipment;

(11) Staff and victim safety issues; and

(12) Relevant legal issues.

(h) All contract service providers shall provide the contracting government entity with a report in such detail and at such time intervals as required by the contracting government entity and the court.

(i)(1) All records of the contract service provider must be maintained in a secure and confidential manner.

(2) Each contract service provider shall maintain the following records and must make the records available and accessible for inspection by the contracting government entity and the court:

(A) Written contracts or agreements for services;

(B) Court orders for all offenders assigned for supervision;

(C) Accounting ledgers and related documents;

(D) Payment receipts issued to offenders for all funds received;

(E) Offender case history and management reports and documents;  
and

(F) Other documents pertaining to the case management of each offender assigned for supervision.

(3) Each contract service provider must make all records, files, and other documentation pertaining to an individual offender available to a law enforcement agency requesting the records in writing if the offender is the subject of an investigation or a potential witness in an active case.

(j) A contract service provider shall not:

(1) Assess, collect, or disburse any funds pertaining to the collection of court-ordered monies, except by written order of the court;

(2) Offer any program service or component for an additional fee unless the fee charge has been ordered by the court; or

(3) Assert or represent that it is owned, operated, or endorsed by this state or any political subdivision of this state.

(k) If a contract service provider becomes associated with another corporation, enterprise, or agency, whether through acquisition, merger, sale, or other transaction, then the contract service provider shall notify the contracting government entity and the court in writing within ten (10) days of the effective date of the transaction. The written notice must contain the names, addresses, and telephone numbers of all primary parties, the effective date of the merger, sale, or consolidation, and the nature of the business relationship of the new contract service provider. A violation of this subsection (k) may result in a breach of contract for all services rendered.

(l) The director of the contract service provider must immediately notify the contracting government entity and the court in writing of any change in the contract service provider's location, address, or telephone number.

(m) The following persons may not own, operate, direct, or serve as an employee or agent of a contract service provider:

(1) A person for whom owning, operating, directing, or serving as an employee or agent of the contract service provider would pose an actual, potential, or apparent conflict of interest due to the existence of a fiduciary, business, or personal relationship with any offender, or due to the existence of any other relationship that would place the owner, operator, employee, or agent in a position to exert undue influence on, exploit, take undue advantage of, or breach the confidentiality of any offender; or

(2) A judge, public probation or parole officer or employee, court employee, detention or correctional agency employee, law enforcement agency employee, or any spouse thereof, if the contract service provider's services are provided within the same jurisdiction served by the judge, public or private probation office, court, detention or correctional agency, or law enforcement agency.

(n) A fingerprint-based criminal background check required by this section must be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, or both. The contract service provider is responsible for the cost of the criminal background check, and the cost must be consistent with the fee schedule established by the federal bureau of investigation. The results of the criminal background check must be forwarded to the contracting government entity. The contracting government entity shall:

(1) Determine by rule or policy which employees of the government entity may have access to the results of the criminal background check;

(2) Inform the contract service provider in writing whether the employee meets criteria or does not meet criteria for employment based on the results of the criminal background check; and


(3) Maintain the confidentiality of all criminal background check information received pursuant to this section.

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


SENATE BILL NO. 2000

PASSED: April 28, 2022

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 27<sup>th</sup> day of May 2022

  
BILL LEE, GOVERNOR