



SENATE BILL 1881

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to confidentiality of department of safety records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a)(2)(A), is amended by adding the language "the office of homeland security," after the language "All investigative records of the Tennessee bureau of investigation,".

SECTION 2. Tennessee Code Annotated, Section 10-7-504(a)(2), is amended by adding the following new subdivision:

() The following records of the office of homeland security must be treated as confidential and are not open to inspection by members of the public:

(i) All records possessed by the office describing protected critical infrastructure submitted or created for protected use regarding the security of critical infrastructure or protected systems, analyses, warnings, interdependency studies, recovery, reconstitution, or for other appropriate purposes;

(ii) All records relating to the identification, analysis, prevention, preemption, disruption, response, maintenance, and defense against and mitigation of terrorist or criminal threats and acts against Tennessee's critical infrastructure and the homeland; and

(iii) All records that are designated by the commissioner of safety or the commissioner's designee as describing or relating to protected critical infrastructure.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB1881

Briggs
Signature of Sponsor

AMEND Senate Bill No. 1881

House Bill No. 1640*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a)(2), is amended by adding the following as a new subdivision:

(D)

(i) The following records of the office of homeland security are confidential and are not open to inspection by members of the public:

(a) All records possessed by the office describing protected critical infrastructure facilities and critical infrastructure, as defined in §§ 39-13-903 and 39-14-411, 42 U.S.C. § 5195c, and 50 U.S.C. § 4552, respectively, submitted or created for protected use regarding the security of critical infrastructure facilities and critical infrastructure, analyses, warnings, interdependency studies, recovery, reconstitution, or for other appropriate purposes related to the security of critical infrastructure facilities and critical infrastructure;

(b) All records involving the identification, analysis, prevention, preemption, disruption, response, maintenance, and defense against and mitigation of acts of terrorism, as defined in § 39-13-803, and criminal threats and acts, against the critical infrastructure facilities and critical infrastructure of this state;

(c) All records that are designated by the commissioner of safety or the commissioner's designee as describing or relating to protected critical infrastructure facilities and critical infrastructure;

(d) All records involving vulnerability or security assessment information for specific locations, including, but not limited to, risk and vulnerability assessments, penetration test results, security or emergency response plans, schematics, floor plans, utility layouts, access control configurations, camera placements and coverage, alarm specifications, guard-force posture, response times, cybersecurity architecture and defensive configurations, suspicious activity reporting with identifying details, threat streams and indicators of compromise, and other operational details that could be used to exploit a weakness. Unless otherwise required to be confidential by law, video footage of an alleged crime is open to public inspection; provided, that such footage may be redacted to protect vulnerability or security assessment information for specific locations;

(e) All records regarding specific threat information relating to acts of terrorism, as defined in § 39-13-803, targeted violence, sabotage, or foreign adversary activity. As used in this subdivision (a)(2)(D)(i)(e), "foreign adversary" means a nation specified in 15 CFR 791.4;

(f) All records involving intelligence sharing and sensitive capabilities that are received from, produced for, or shared with a federal, state, local, tribal, territorial, or private-sector partner that are marked, designated, or accompanied by restrictions indicating the information is sensitive security information, homeland security information, or otherwise restricted from public release by the originating entity, to the

extent disclosure would reveal security capabilities, analytical tradecraft, operational methods, or specific threat indicators; and

(g) All records regarding threats against and vulnerabilities of public officials, political candidates, judges, prosecutors, law enforcement officers, or other persons for whom protective operations are conducted or contemplated. The office of homeland security shall provide an annual report to the general assembly by January 31 of each year with the number of threats against public officials investigated by the office in the prior year and the number of threats that resulted in criminal charges or a prosecution.

(ii) Unless otherwise confidential by law, this subdivision (a)(2)(D) does not prohibit the disclosure of records relating to an investigation of alleged misconduct by a law enforcement officer, an investigation of excessive use of force, or an investigation into a violation of department policies, practices, or standards.

(iii) Unless otherwise confidential by law, this subdivision (a)(2)(D) does not require information to be redacted from an affidavit, warrant, charging instrument or other judicial record.

(iv) Records of state or local costs associated with private-sector partners are not confidential. The identity of a private-sector partner is confidential as required under state or federal law.

(v) Unless otherwise confidential by law, the office of homeland security shall release basic information about an arrested person, an arrest, or a crime, including the offense description, location, time and date of the alleged crime, identification of investigating officers, a narrative description of the incident, arrest information, and names of involved parties.

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