



SENATE BILL 2365

By Rose

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 8 and Title 40, Chapter 11, relative to expedited hearing procedures.

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

SECTION 1. This act is known and may be cited as the "Parental Rights Protection Act."

SECTION 2. Tennessee Code Annotated, Section 36-8-103, is amended by adding the following as a new subsection (h):

(h)

(1) A bond condition that affects parental contact, custody, or visitation requires an expedited hearing within fifteen (15) calendar days of being imposed to determine if the condition meets the requirements of this chapter. If the hearing is not held within fifteen (15) calendar days, then the bond condition is void.

(2) Before a court may impose or extend a bond condition prior to conviction in a criminal case that restricts, limits, or prohibits a defendant's parental contact with, custody of, or visitation with any minor child who is not a victim of the charged crime, the government bears the burden of establishing, by clear and convincing evidence, which the court must articulate through specific findings of fact, that:

(A) A present and continuing threat of harm exists to the child;

(B) Less restrictive alternatives are insufficient to prevent the

harm; and

(C) The restriction is in the best interests of the child.

(3) For purposes of this subsection (h), there is a presumption that parental contact with a child is in the best interests of the child.

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

Amendment No. 1 to HB2078

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2365

House Bill No. 2078*

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Parental Rights Protection Act."

SECTION 2. Tennessee Code Annotated, Section 36-8-103, is amended by adding the following as a new subsection (h):

(h)

(1) A bond condition that affects parental contact, custody, or visitation requires an expedited hearing within fifteen (15) calendar days of being imposed to determine if the condition meets the requirements of this chapter. If the hearing is not held within fifteen (15) calendar days, then the bond condition is void.

(2) Before a court may impose or extend a bond condition prior to conviction in a criminal case that restricts, limits, or prohibits a defendant's parental contact with, custody of, or visitation with any minor child who is not a victim of the charged crime, the government bears the burden of establishing, by clear and convincing evidence, which the court must articulate through specific findings of fact, that:

(A) A threat of harm exists to the child;

(B) Less restrictive alternatives are insufficient to prevent the harm; and

(C) The restriction is in the best interests of the child.

(3) For purposes of this subsection (h), there is a presumption that parental contact with a child is in the best interests of the child.

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