



SENATE BILL 254

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39; Title 40 and Title 55, relative to criminal
law.

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

SECTION 1. Tennessee Code Annotated, Section 40-36-105(2), is amended by
deleting the subdivision and substituting:

(2) Conduct statewide public education concerning the purposes and goals of
this chapter and submit a report by February 1 of each year, to the committee of the
house of representatives with jurisdiction over subject matters pertaining to criminal
justice, judiciary committee of the senate, and fiscal review committee regarding the
effectiveness of diversion of offenders from state correctional institutions;

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

Amendment No. 2 to HB0489

Doggett
Signature of Sponsor

AMEND Senate Bill No. 254*

House Bill No. 489

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-11-118, is amended by redesignating the current subdivision (f)(5) as subdivision (f)(6) and adding the following as a new subdivision (f)(5):

(5)

(A) A defendant who is ordered to wear a transdermal monitoring device or alternative device, as defined in § 55-10-419(a), as a condition of pretrial release, and who has not been determined by the court to be indigent, is responsible for the payment of all fees associated with the installation, monitoring, maintenance, and operation of the device.

(B) A defendant's failure to make a payment within five (5) days after the due date constitutes nonpayment and may result in termination of device monitoring.

(C) If a defendant fails to pay the costs associated with operating the defendant's transdermal monitoring device or alternative device, then the qualified electronic monitoring provider or the government agency providing electronic monitoring services of defendants must notify the court and the defendant in writing within five (5) days of the arrearage. The court shall, within ten (10) days of receiving the qualified electronic monitoring provider's or government agency's notice to the court, set a show cause hearing to be held within thirty (30) days. The clerk of the court shall notify the defendant and the

qualified electronic monitoring provider, or the government agency providing electronic monitoring services, of the date and time of the show cause hearing. The qualified electronic monitoring provider, or the government agency providing electronic monitoring services, shall not discontinue the defendant's monitoring before the show cause hearing has been held. At the show cause hearing, the court may:

(i) Schedule a bond hearing to determine whether to revoke the defendant's bond and incarcerate the defendant;

(ii) Allow the defendant to immediately bring the payments current and continue the defendant's pretrial release; or

(iii) Determine whether alternative funding sources are available to pay the costs associated with operating the defendant's transdermal monitoring device or alternative device and, if alternative funding sources are available, order the alternative funding sources to pay the arrearages and future costs associated with operating the defendant's transdermal monitoring device or alternative device.

(D) As used in this subdivision (f)(5), unless a local government entity has established a fund for the purpose of paying the costs associated with a defendant's transdermal monitoring device or alternative device, "alternative funding sources" does not include the local sheriff's department or other local government entities.

(E) After a show cause hearing has been held pursuant to this subdivision (f)(5), or if a show cause hearing has not been held within the thirty-day timeframe required by this subdivision (f)(5), then a qualified electronic monitoring provider, or a government agency providing electronic monitoring services, is not required to continue to provide monitoring services pursuant to this section if the qualified electronic monitoring provider, or government agency

providing electronic monitoring services, is not being compensated in accordance with the court's order for the costs associated with operating the defendant's transdermal monitoring device or alternative device.

SECTION 2. Tennessee Code Annotated, Section 40-35-303, is amended by adding the following as a new subsection:

(s)

(1) A defendant who is ordered to wear a transdermal monitoring device or alternative device, as defined in § 55-10-419(a), as a condition of probation, and who has not been determined by the court to be indigent, is responsible for payment of all fees associated with the installation, monitoring, maintenance, and operation of the device.

(2) A defendant's failure to make a payment within five (5) days after the due date constitutes nonpayment.

(3)

(A) If a defendant fails to pay the costs associated with operating the defendant's transdermal monitoring device or alternative device, then the qualified electronic monitoring provider, or the government agency providing electronic monitoring services, must provide written notice of the arrearage to:

(i) The supervising probation officer or supervising agency; and

(ii) The defendant.

(B) The notice required under subdivision (s)(3)(A) must be provided within three (3) business days of the arrearage.

(4) If the defendant does not pay the arrearage within five (5) days of the issuance of the notice required under subdivision (s)(3)(A), then the qualified electronic monitoring provider, or the government agency providing electronic

monitoring services, may suspend or terminate monitoring services for the defendant after providing notice of the pending suspension or termination to the supervising probation officer.

(5) If monitoring services are suspended or terminated due to nonpayment, then the supervising probation officer may take any action authorized by law for violation of a condition of probation.

(6) A qualified electronic monitoring provider, or a government agency providing monitoring services, is not required to provide monitoring services without compensation, and this subsection (s) does not require a provider to subsidize monitoring services ordered by the court.

SECTION 3. Tennessee Code Annotated, Section 40-11-152(n)(1), is amended by deleting "qualified electronic monitoring provider that provides monitoring services" and substituting "qualified electronic monitoring provider or the government agency that provides monitoring services".

SECTION 4. Tennessee Code Annotated, Section 40-11-152(n)(1), is amended by deleting "notify the qualified electronic monitoring provider," and substituting "notify the qualified electronic monitoring provider, or the government agency providing electronic monitoring,".

SECTION 5. Tennessee Code Annotated, Section 40-11-152(n)(1), is amended by deleting "The qualified electronic monitoring provider shall not" and substituting "The qualified electronic monitoring provider, or the government agency providing electronic monitoring services, shall not".

SECTION 6. Tennessee Code Annotated, Section 40-11-152(n)(1), is amended by deleting "qualified electronic monitoring provider's" and substituting "qualified electronic monitoring provider's or government agency's".

SECTION 7. Tennessee Code Annotated, Section 40-11-152(n)(2), is amended by deleting "qualified electronic monitoring provider" wherever it appears and substituting "qualified electronic monitoring provider, or government agency providing electronic monitoring services,".

SECTION 8. This act takes effect July 1, 2026, the public welfare requiring it.