

SENATE BILL 180

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39; Title 40 and Title 41, relative to terrorism.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 8, is amended by adding the following language as new sections:

39-13-810.

(a) All real or personal property, including money, used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of this part, is subject to forfeiture to the state.

(b) A person injured as a result of a criminal offense under this part, and a law enforcement agency or other governmental agency that participated in the investigation, mitigation, seizure, or forfeiture process for a criminal offense under this part, may file a claim for costs or damages, and the property described in subsection (a) shall be used to satisfy any costs or damages awarded for the claim.

(c)

(1) A forfeiture or disposition under this section does not affect the rights of an innocent person.

(2) A mortgage, lien, privilege, other security interest, or joint ownership interest is not affected by a forfeiture under this section if the owner of the mortgage, lien, privilege, or other security interest or joint owner establishes that such owner is an innocent person.

(d) The allocation of proceeds from a forfeiture and disposition under this section shall be paid to claimants under subsection (b) in the following order:

(1) First, the costs of investigation shall be paid to the law enforcement agency or governmental agency that conducted the investigation; provided:

(A) If more than one (1) law enforcement agency or governmental agency equally conducted the investigation, the costs of investigation shall be paid equally to the law enforcement agencies and governmental agencies conducting the investigation; and

(B) If one (1) law enforcement agency or governmental agency primarily conducted the investigation, the costs of investigation first shall be paid to that law enforcement agency or governmental agency, with actual vouchered costs reimbursed on a pro rata basis to the other law enforcement agencies or governmental agencies participating in the investigation, not to exceed ten percent (10%) of the costs of investigation allocated to the primary law enforcement agency or governmental agency;

(2) Second, twenty-five percent (25%) of the proceeds plus the costs of prosecution, or all of the remaining proceeds, whichever is less, shall be paid to the prosecuting attorney;

(3) Third, the costs of investigation shall be paid on a pro rata basis to a law enforcement agency or governmental agency that was not fully reimbursed under subdivision (d)(1)(B);

(4) Fourth, the costs of mitigation, seizure, or forfeiture shall be paid on a pro rata basis to a law enforcement agency or governmental agency that participated in the mitigation, seizure, or forfeiture process; and

(5) Fifth, any remaining proceeds shall be paid on a pro rata basis to satisfy any judgments under § 39-13-811 for persons injured as a result of the criminal offense under this part.

(e) Property subject to forfeiture under this section may be seized, disposed of, and otherwise administered in compliance with chapter 11, part 7 of this title.

(f) The limitations period for a claim brought under this section is five (5) years from the date of the discovery of the violation of this part.

39-13-811.

(a) A person injured as a result of a criminal offense under this part may file an action for damages against the person who violated this part.

(b) A person who files an action under this section is entitled to recover economic and noneconomic damages up to the limits provided in § 29-39-102, punitive damages up to the limits provided in § 29-39-104, and attorney fees if the person prevails in the claim.

(c) The limitations period for an action under this section is five (5) years from the date of discovery of the violation of this part.

(d) A person who receives a judgment under this section may seek satisfaction of the judgment under § 39-13-810.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to prohibited conduct occurring on or after that date.