

HOUSE BILL 2368

By Watson

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 10, Part 2, relative to certain traffic  
offenses.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-207, is amended by adding the following language as new subsections:

(h) As used in this section, "electronic citation" means a traffic citation containing all the information required by subsections (b) and (g) that is prepared by a law enforcement officer in an electronic data device with the intent that the data collected shall be filed electronically with a court having jurisdiction over the alleged offense.

(i) Replicas of citation data included in an electronic citation shall be sent by electronic transmission within three (3) days of the issuance of the citation to a court having jurisdiction over the alleged offense.

(j) Persons issued a citation pursuant to this section shall be provided with a paper copy of the citation. A law enforcement officer who files a citation electronically shall be considered to have certified the citation and has the same rights, responsibilities and liabilities as other citations issued pursuant to this section.

(k) Each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. Such fee shall be paid by the defendant for any offense cited in an electronic traffic citation that results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges. Such fee shall be assessable as court costs. One dollar (\$1.00) of such fee shall be retained by the court clerk. Four dollars (\$4.00) of such fee

shall be transmitted on a monthly basis by the court clerk to the law enforcement agency that prepared the electronic traffic citation that resulted in a plea of guilty or nolo contendere, or a judgment of guilty. The court clerk shall not charge and collect an electronic citation fee if the local legislative body has, by ordinance, elected not to be subject to this section. If any funds are collected under this section before such an ordinance takes effect, such funds shall be disbursed to the department of safety for expenses related to the establishment and maintenance of electronic citations.

(l) All funds derived from the electronic citation fee that are transmitted to the law enforcement agency which prepared the electronic traffic citation pursuant to subsection (k) shall be accounted for in a special revenue fund of such law enforcement agency and may be used only for the following purposes:

(1) Electronic citation system and program related expenditures; and

(2) Related expenditures by the local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

(m) All funds derived from the electronic citation fee set aside for court clerks pursuant to subsection (k) shall be earmarked for the purposes set forth in § 8-21-401(j)(1), shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended.

SECTION 2. This act shall take effect July 1, 2014, and shall apply to all offenses occurring on or after such date, the public welfare requiring it.