

CHAPTER NO. 897

SENATE BILL NO. 1395

By Rochelle

Substituted for: House Bill No. 1083

By Sherry Jones, West

AN ACT To amend Tennessee Code Annotated, Title 7, Chapter 51, Part 11, relative to criminal history records checks of applicants seeking a license to operate an adult-oriented establishment or seeking a permit to perform as an entertainer in an adult-oriented establishment.

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, Part 11, is amended by adding the following as a new appropriately designated section:

(a) The Tennessee General Assembly hereby declares that conducting a criminal conviction record check of applicants desiring a license to operate an adult-oriented establishment is for a law enforcement purpose and that conducting a criminal conviction record check of applicants desiring a permit to perform as an entertainer at an adult-oriented establishment is also for a law enforcement purpose. Notwithstanding any provision of § 7-51-1121(b), or any other law to the contrary, those counties, cities or other political subdivisions that choose to license and regulate adult-oriented establishments and sexually-oriented businesses, either by adopting this part or by enacting and enforcing their own regulatory scheme that disqualifies an applicant for the conviction of a criminal act, shall require that all applicants for a license or permit to operate an adult-oriented establishment or to perform as an entertainer at an adult-oriented establishment shall submit a full set of fingerprints to the county, city or other political subdivision for positive identification of the applicant and the county, city or other political subdivision shall conduct a criminal conviction records check of the applicant.

(b)(1) Upon receipt of an application, the county, city or other political subdivision that licenses or permits operators or entertainers shall:

(A) Conduct a criminal conviction record check through such computer terminals available to it or other means of access to criminal convictions that are maintained by the county, city or other political subdivision, the Tennessee Bureau of Investigation and the Federal Bureau of Investigation; and

(B) Forward the applicant's fingerprints to the Tennessee Bureau of Investigation which shall verify the identity of the applicant and shall conduct its own criminal conviction record check itself and forward the results of that investigation to the requesting county, city or other political subdivision.

(2) If no disqualifying criminal conviction is identified by the county, city or other political subdivision or by the Tennessee Bureau of Investigation, the Tennessee Bureau of Investigation shall forward a set of the applicant's fingerprints to the Federal Bureau of Investigation for verification of the applicant's identity and request the Federal Bureau of Investigation to conduct a criminal conviction record check investigation using the fingerprints.

(3) The results of criminal conviction record investigations shall be used for the limited purpose of determining the applicant's qualifications for a license to operate an adult-oriented establishment or for a permit to perform as an entertainer at an adult-oriented establishment.

(c) Fingerprints shall be submitted on authorized fingerprint cards or by electronic, machine-readable data, or other means approved by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.

(d) Any cost incurred in conducting such criminal conviction records investigations shall be paid by the county, city or other political subdivision making the request of the Tennessee Bureau of Investigation or the Federal Bureau of Investigation. The county, city or other political subdivision may include such cost as part of any fee it charges for processing the applicant's license or permit.

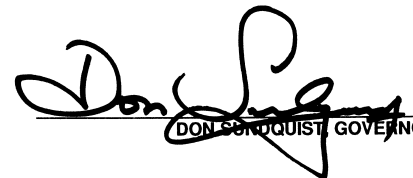
SECTION 2. This act shall take effect upon its passage, the public welfare requiring it.

PASSED: June 6, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of June 2000


DON SUNDQUIST, GOVERNOR