

## 8-4-115. Standardized procedures for booking of arrestees.

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### **(a)**

**(1)** The comptroller of the treasury, in consultation with the Tennessee bureau of investigation, the Tennessee Sheriff's Association, the Tennessee Association of Chiefs of Police, and the Tennessee corrections institute, developed standardized booking procedures which include:

**(A)** A photograph of the arrestee;

### **(B)**

**(i)** A set of fingerprints. If fingerprints are maintained manually, the booking agency shall mail two (2) sets of properly completed fingerprint cards to the Tennessee bureau of investigation. If fingerprints are transmitted to the Tennessee bureau of investigation electronically, the booking agency shall maintain with the arrest report one (1) hard copy of the fingerprints along with an acknowledgement from the Tennessee bureau of investigation that a copy of the fingerprints have been received and accepted;

### **(ii)**

**(a)** When a person is arrested for a vehicular impairment offense, and fingerprints are maintained manually, the booking agency shall mail two (2) sets of properly completed fingerprint cards to the Tennessee bureau of investigation within five (5) business days of the person being booked for the offense;

**(b)** If fingerprints of a person arrested for a vehicular impairment offense are transmitted to the Tennessee bureau of investigation electronically, the fingerprints shall be transmitted within up to five (5) business days of booking;

**(c)** As used in this subdivision (a)(1)(B), "vehicular impairment offense" means the person is charged with a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401;

### **(C)**

**(i)** Delivery to the appropriate local law enforcement agency of a completed judgment order containing the state control number, signed by a judge to be used by the local law enforcement agency for completion of an R-84 Disposition Card, except as provided in this subdivision (a)(1)(C). A local law enforcement agency shall provide a state control number printed on the R-84 Disposition Card and attached to the arresting document to the clerk within seven (7) business days of arrest so that the clerk or court can electronically submit final dispositions of criminal cases, including the state control number, to the Tennessee bureau of investigation. Unless otherwise authorized by the Tennessee bureau of investigation, all final dispositions shall be reported electronically. A formal disposition shall not be sent to the Tennessee bureau of investigation without the state control number or transaction control number being contained within the document;

### **(ii)**

**(a)** When a person is convicted of a vehicular impairment offense, the clerk shall deliver the judgment order signed by the judge to the appropriate law enforcement agency within seven (7) business days of the date the judge signs the order. Upon receiving the judgment order from the clerk, the appropriate law enforcement agency shall have seven (7) business days to complete an R-84 Disposition Card on the person convicted and send it to the Tennessee bureau of investigation for entry into the National Crime Information Center (NCIC);

**(b)** If a person is convicted of a vehicular impairment offense, in a county where the clerk and the law enforcement agency have implemented an automated process for the electronic submission of final dispositions for criminal cases that is certified by the Tennessee bureau of investigation, the conviction containing the state control number shall be transmitted by the clerk to the Tennessee bureau of investigation within two (2) business days of the judgment order being signed by the judge. The Tennessee bureau of investigation shall immediately enter the conviction into the National Crime Information Center (NCIC);

**(c)** As used in this subdivision (a)(1)(C), "vehicular impairment offense" means the person was convicted of a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), § 39-13-218, or § 55-10-401;

**(D)** An arrest report; and

**(E)** Delivery to the appropriate court clerk office of a warrant or capias for offense containing the state control number assigned by the law enforcement agency upon the arrest of an individual to be recorded in the court information system of the court clerk office.

**(2)** Notwithstanding § 8-8-201 or § 38-3-122 to the contrary, it shall be the duty of the law enforcement agency responsible for maintaining the arrested person's booking records to take the fingerprints from such person as required by such sections.

**(3)** Where individuals are arrested multiple times for a violation of § 39-17-310, the offense of public intoxication, the arresting officer shall note on the arrest report that fingerprints are on file for this individual pursuant to § 38-3-122(a).

**(4)** Compliance with these standardized booking procedures shall be the basis for the comptroller of the treasury determining compliance with the fingerprinting requirements of §§ 8-8-201(a)(35) and 38-3-122. The Tennessee corrections institute and the law enforcement training academy shall train correctional personnel in municipal, county and metropolitan jurisdictions in the application of these standardized booking procedures.

**(b)** The respective county or municipal legislative body shall appropriate funds for the respective sheriff's office or police department, including funds for personnel and supplies which are sufficient to comply with this section.

### **(c)**

**(1)** The comptroller of the treasury shall audit or cause to be audited under title 4, chapter 3, part 3 and title 6, chapter 56, part 1, on an annual basis the sheriff's office or police department to determine whether or not such law enforcement agency is in compliance with the requirements of this section. If the comptroller of the treasury determines that a particular sheriff's office or police department is not in compliance with §§ 8-8-201(a)(35), 38-3-122 and this section, the comptroller of the treasury, within thirty (30) days of such determination, shall notify such sheriff or police chief and the Tennessee peace officer standards and training commission of such noncompliance.

**(2)** Such sheriff or police chief shall show cause to the Tennessee peace officer standards and training commission within thirty (30) days of notification why such sheriff or police chief should not be found to be in noncompliance with the requirements of §§ 8-8-201(a)(35) and 38-3-122. If the appropriate sheriff or police chief does not respond or show good cause within thirty (30) days, the Tennessee peace officer standards and

training commission shall forthwith decertify the appropriate sheriff or police chief and impound the supplement provided for such sheriff or police chief in § 38-8-111. The Tennessee peace officer standards and training commission shall notify the comptroller of the treasury and both the sheriff and county commission or the police chief and city council of such action.

**(3)** The burden shall be on such sheriff or police chief to demonstrate compliance to the Tennessee peace officer standards and training commission and if such sheriff or police chief is found to be in compliance with this section within sixty (60) days after decertification, the Tennessee peace officer standards and training commission shall rescind the decertification order and cause any salary supplement impounded to be returned to the appropriate sheriff or police chief except for one-twelfth ( $\frac{1}{12}$ ) of the annual supplement.

**(d)** In addition to any proceeding under chapter 47 of this title, the sheriff or police chief may be removed from office in accordance with this section. The comptroller of the treasury shall forward a copy of reports of noncompliance with this section by the sheriff or police chief to the district attorney general having jurisdiction and to the attorney general and reporter. The district attorney general and the attorney general and reporter shall each review the report and determine if there is sufficient cause for further investigation. If further investigation indicates willful misfeasance, malfeasance or nonfeasance by the sheriff or police chief, the district attorney general shall proceed pursuant to chapter 47 of this title, to remove the sheriff or police chief from office. This subsection (d) is effective for fingerprints taken or required to be taken on or after July 1, 1999.

**(e)** Prior to purchasing an electronic fingerprint imaging system, the sheriff or municipal police department shall obtain certification from the Tennessee bureau of investigation that such equipment is compatible with the Tennessee bureau of investigation's and the federal bureau of investigation's integrated automated fingerprint identification system.

**(f)** Subject to the approval of the general assembly, a portion of the funds derived from the additional privilege tax levied on all criminal cases instituted in this state as provided for in § 67-4-602(g), may be appropriated to the Tennessee bureau of investigation for the purchase, installation, maintenance, and line charges of electronic fingerprint imaging systems.

**(g)** Upon establishment of an automated system for final disposition reporting, clerks of the court shall submit final disposition reports containing the state control number electronically to the Tennessee bureau of investigation. Jurisdictions that submit final disposition reports electronically will cease the submission of R-84 Disposition Cards upon advisement from the Tennessee bureau of investigation. The submission of an electronic final disposition report containing the state control number shall have the same force and effect as the submission of the R-84 Disposition Card.

**(h)** Any automated court information system being used or developed on or after July 1, 2005, including, but not limited to, the Tennessee court information system (TnCIS) being designed pursuant to § 16-3-803(h), shall ensure that an electronic file of final disposition data, including the state control number, will be reported to the Tennessee bureau of investigation. The form, general content, time, and manner of submission of the electronic file of final disposition data, including the state control number, will comply with the rules prescribed by the Tennessee bureau of investigation.

**(i)** As used in this section, unless the context otherwise requires:

**(1)** "Final disposition" means a court document that reflects the outcome of a criminal case and shall include:

**(A)** The defendant's full name;

**(B)** The defendant's social security number;

**(C)** The defendant's date of birth;

**(D)** The defendant's sex;

**(E)** The defendant's race;

**(F)** The county of arrest;

**(G)** The class designation of the crime;

**(H)** The state control number;

**(I)** The date of arrest and date of offense;

**(J)** The date of disposition and date of sentence imposed;

**(K)** The criminal charge or charges convicted of;

**(L)** Any fines, court costs, and restitution;

**(M)** The case number and court number;

**(N)** Whether the defendant is sentenced to confinement in the Tennessee department of correction, a county jail, or workhouse;

**(O)** Whether the defendant was sentenced to supervised or unsupervised probation or to community correction; and

**(P)** Whether diversion was ordered;

**(2)** "Fingerprinting agency" means any entity approved by the Tennessee bureau of investigation responsible for the submission of fingerprint arrests in a Tennessee municipality or county; including a state or local law enforcement agency, sheriff's office, or police department; and

**(3)** "State control number" means a unique twelve (12) digit number generated and printed by a live scan device or automated fingerprint identification system (AFIS) for the purpose of identifying, tracking, or referencing a criminal transaction.

## History

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