

Franklin County Board of Commissioners
Legislative Committee
Minutes of April 6, 2017

The Legislative Committee met in the Main Conference Room at the courthouse and was called to order at 6:00 pm by Chairman Johnny Hughes.

MEMBERS PRESENT: Chairman Johnny Hughes, Chuck Stines, Iris Rudder, and Dave Van Buskirk

OTHERS PRESENT: Secretary Mary Sons, Philip Lorenz, Ricky Tipps

1. *Motion by Van Buskirk to approve minutes of March 9, 2017 second Stines; all ayes.*
2. Resolution to Establish Program for Victims of Crime, Their Families and All Survivors as Authorized by TCA 40-24-109.
 - a) Stines conveyed interest to hear the attorneys and prosecutors view on it.
 - b) Van Buskirk explained the benefits of the program and expressed concern how it would affect the county if they did not receive enough funding.
 - c) *Motion by Van Buskirk to approve and send to full commission, second Rudder; all ayes.*
3. *Motion by Stines to approve (9) notary applications and send to full commission, second Van Buskirk; all ayes.*
4. *Motion by Stines to adjourn at 6:06 pm, second Van Buskirk; all ayes.*

Respectfully Submitted,

Johnny Hughes, Chairman

RESOLUTION # _____
TO ESTABLISH PROGRAM FOR VICTIMS OF CRIME, THEIR FAMILIES AND ALL SURVIVORS AS AUTHORIZED BY T.C.A. § 40-24-109

WHEREAS, T.C.A. § 40-24-109 provides that the County Legislative Body may elect to establish a program to assist victims of crime, their families and survivors as follows:

T.C.A. § 40-24-109. Services to victims of certain types of crimes

(a) The county legislative body of any county may elect to establish a program to assist victims of crime, their families and survivors or to provide funding or additional funding for an existing program established to assist victims. The type of programs for which this section may be utilized includes rape crisis centers, domestic violence shelters, victim of crime hotlines and information programs, individual, group and family counseling services, crisis intervention programs, support groups and other similar programs designed to assist victims of crime, their families or survivors.

(b) (1) If a county legislative body elects to establish or fund a program as authorized by this section, it shall, at the time of election, designate the program for which the assessment provided in subsection (c) will be used.

(2) No assessment authorized by subsection (c) shall be collected or transmitted until the county legislative body has elected to utilize this section and has designated the victim of crime program for which it will be dedicated.

(c) The clerks of all courts of general sessions, circuit and criminal courts, municipal courts exercising general sessions court jurisdiction and any other court exercising similar criminal jurisdiction shall collect a victims assistance assessment in the sum of forty-five dollars (\$45.00) from any person who:

(1) Enters a plea of guilty;

(2) Is found guilty by a judge or jury;

(3) Enters a plea of nolo contendere;

(4) Enters a plea, pursuant to any of the diversionary sentencing statutes, to any criminal offense described in subsection (d);

(5) Is found guilty, or enters a plea of guilty or nolo contendere, to the offense of attempting or conspiring to commit any offense described in subsection (d); or

(6) Is found to be criminally responsible as principal for the commission of any offense described in subsection (d).

(d) Except as provided in subsection (e), the provisions of subsection (c) shall apply to any conduct made criminal by the laws of this state.

(e) This section shall not apply to:

(1) Crimes for which the law imposes, as a maximum possible punishment, a fine of less than five hundred dollars (\$500) and no imprisonment; and

(2) Violations of the motor vehicle laws, except driving under the influence of an intoxicant as prohibited by § 55-10-401, or reckless driving as prohibited by § 55-10-205, where the reckless driving was proximately caused by the use of an intoxicant.

(f) Whether a person convicted of a crime is exempted from payment of the assessment imposed by this section shall be determined by the offense for which the person was convicted and the maximum possible sentence authorized by law for the offense, rather than the sentence the person actually receives.

(g) (1) The victims assistance assessment shall be subject to § 8-21-401 or § 8-21-409 and shall be in addition to all other taxes, costs, and fines. The first three dollars (\$3.00) of each assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars (\$42.00) shall be transmitted to the county in which the offense occurred, for the exclusive use of the victim's assistance program previously designated by the county legislative body.

(2) Upon transmittal to the victims program in the county, all funds collected pursuant to this section shall be used to defray the costs of providing the services to victims of crime designated by the program's mission statement and guidelines.

(h) Nothing in this section shall be construed to prevent a county from funding more than one (1) program to assist victims of crime; provided, that no such program may be funded unless the provider organization offers services to victims of crime free of charge.

WHEREAS, the Board of County Commissioners of Franklin County is of the opinion that such a program as described would be of great benefit to the citizens of the County and should therefore be established.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Tennessee, meeting in its regular session on this 17th day of April, 2017, that the program authorized by T.C.A. §40-24-109 is hereby established for the benefit of the citizens of Franklin County, Tennessee.

IT IS FURTHER RESOLVED that said funds shall at this time be designated for use by the Court Appointed Special Advocates for Children ("CASA"), CASA Works, Inc., 1301 E. Carroll Street, Tullahoma, Tennessee 37388.

The assessments as authorized by the Act shall be collected by the Clerks of all courts of Franklin County, Tennessee General Sessions, Circuit and Criminal Courts as provided for in said Act.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon adoption, the general welfare requiring it.

ADOPTED this _____ day of _____, 2017.

APPROVED:

APPROVED:

Richard Stewart, Mayor

Eddie Clark, Chair of Commission

ATTEST:

Phillip Custer, County Clerk

RESOLUTION SPONSORED BY: _____

MOTION TO ADOPT: _____

SECOND: _____

VOTES:

AYES: ____ NAYS: ____

DECLARATION: _____

CERTIFICATE OF ELECTION OF NOTARIES PUBLIC
 AS A CLERK OF THE COUNTY OF FRANKLIN, TENNESSEE I HEREBY CERTIFY TO
 THE SECRETARY OF STATE THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF
 NOTARY PUBLIC DURING THE APRIL 17, 2017 MEETING OF THE GOVERNING BODY:

NAME	HOME ADDRESS	HOME PHONE	BUSINESS ADDRESS	BUSINESS PHONE	SURETY
1. PAM ANDERSON	100 BOOKOUT LANE COWAN TN 37318	931-308-0694	440 GEORGE FRALEY PKWY WINCHESTER TN 37398	931-967-2923	
2. ROBERT LAWRENCE COLVIN	210 PRINCE LANE TULLAHOMA TN 37388	931-393-4696	38 MARINA LANE WINCHESTER TN 37398	931-967-7127	N/A \$10,000.00 N/A
3. JANET E DAVIS	564 LEE LN HUNTLAND TN 37345	931-205-1051	2030 DECHERD BLVD DECHERD TN 37324	931-968-3282	
4. SUZANNE S. HALL	5320 AWALT ROAD TULLAHOMA TN 37388	931-273-2864	113 WESTSIDE DRIVE TULLAHOMA TN 37388	931-393-1040	
5. CAROL JOHNSON	213 TAMMY DRIVE DECHERD TN 37324	931-308-7053	440 WILTON CIRCLE RM 157 WINCHESTER TN 37398	931-967-2923	
6. PAYTONNE MARTIN	31 NORTHFIELD DRIVE WINCHESTER TN 37398	931-703-4424	1002 WEST MAIN STREET DECHERD TN 37324	931-962-1161	
7. SABRA L. PERRY	246 BAMA LANE WINCHESTER TN 37398	931-636-4594	1002 W MAIN ST DECHERD TN 37324	931-962-1161	
8. TINA SMITH	3090 ROCK CREEK RD ESTILL SPRINGS TN 37330	931-649-2292	PO BOX 100 ESTILL SPRINGS TN 37330	931-649-5188	
9. GAY WELLS	244 CHURCH LANE WINCHESTER TN 37398	931-808-1995	501 DINAH SHORE BLVD WINCHESTER TN 37398	931-968-0544	

SIGNATURE

CLERK OF THE COUNTY OF FRANKLIN, TENNESSEE

DATE