

IN RE:
COVID-19 PANDEMIC

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By Mike Hammond, Clerk

GENERAL ORDER: 12/12/20

JUDICIARY SITTING EN BANC

GENERAL TEMPORARY SECOND REVISED ORDER REGARDING
PRE-TRIAL DETENTION

In response to the COVID-19 pandemic and the Tennessee Supreme Court Order of March 13, 2020 and the continuing orders of March 25, 2020 and May 26, 2020 suspending in-person court proceedings, the Criminal Court Judges of the Sixth Judicial District and the General Sessions Court Judges of Knox County sitting en banc do enter this revised standing order to address the jail population of Knox County detention centers. In light of the on-going need to reduce the potential spread of the COVID virus to inmates, correction officers, and health care workers, it remains necessary to take the following temporary extraordinary measures to balance the interests of justice and the interests of public health.

1. The parties are encouraged to continue to resolve cases, especially those that will result in release from custody of unsentenced individuals. Motions for release that are not agreed upon by the State will be scheduled and heard as directed by the court.
2. New misdemeanor arrests: any individual arrested for a misdemeanor offense that does not involve domestic assault, violation of the sex offender registry law, or DUI shall be released on their own recognizance. Any Class B or C misdemeanor, in order to reserve pre-trial resources for more serious offenses,

will not be placed under pre-trial supervision unless circumstances warrant. Furthermore, nothing in this Order is intended to limit the ability of the Knox County District Attorney to seek bail pursuant to 40-11-148 for individuals who committed a crime while currently free on bond or revocation of bail pursuant to TCA 40-11-141 in specific cases where individuals pose a threat to the safety of the community.

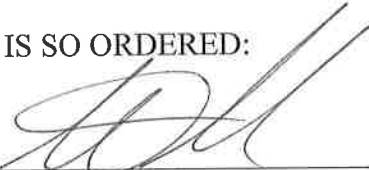
3. Bonds concerning misdemeanor violations of the sex offender registry are left in the sound discretion of the magistrate setting bond. An ROR is presumed unless circumstances support a finding that the offender poses a danger to the community and a professional bond would limit said danger.
4. New felony arrests: any individual who is arrested on a non-violent (as defined below in paragraph 5) C, D, or E felony shall be released on their own recognizance under pre-trial supervision. The level of supervision shall be determined by the magistrate. Again, nothing in this Order is intended to limit the ability of the Knox County District Attorney to seek bail or revocation of bail pursuant to TCA 40-11-141 in specific cases where individuals pose a threat to the safety of the community.
5. New violations of probation: the granting or denial of release or bond of any individual arrested on a violation of probation shall be determined by the issuing judge. Judges are encouraged to consider release on recognizance if there are no pending violations of probation *and* the new violation: 1) alleges a failed drug screen, 2) alleges absconscion for less than three months, 3) alleges the failure to satisfy monetary obligations in any form, and/or 4) any other

alleged technical violation.

6. Violent offense: for purposes of this order, a violent offense is any offense that would constitute a felony *and* is codified from TCA 39-13-101 through 39-13-533, offenses against children as set forth in TCA 39-15-401, 402, aggravated burglary, DUI 2nd or greater, and all forms of domestic violence. Non-violent offense is any offense not qualifying as a violent offense as defined above.
7. Any defendant arrested and released ROR pursuant to this order within the last thirty (30) days is not eligible for a second release under this order. In that situation, the magistrate shall set the bond or grant release pursuant to existing authority. Any matter not specifically addressed in this order shall be determined on a case by case basis by a judge.

This order shall take effect immediately and expire on March, 31, 2021 at 11:59 PM.

IT IS SO ORDERED:


STEVEN W. SWORD
CRIMINAL COURT, DIV. I


SCOTT GREEN
CRIMINAL COURT, DIV. III


GEOFFREY EMERY
GENERAL SESSIONS, DII


ANDREW JACKSON, VI
GENERAL SESSIONS, DIV


KYLE HIXSON
CRIMINAL COURT, DIV. II


CHUCK BERRY
GENERAL SESSIONS, DI


PATRICIA HALL LONG
GENERAL SESSIONS, DIII


TONY W. STANSBERRY
GENERAL SESSIONS, DV