

**User Name:** Lloyd Crawford

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**Document (1)**

1. [*Tenn. Code Ann. § 39-17-905*](https://plus.lexis.com/api/document?id=urn:contentItem:50J2-V4S0-R03M-D4DY-00000-00&idtype=PID&context=1530671)

**Client/Matter:** -None-

**Search Terms:** 39-17-905

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| Statutes and Legislation | Jurisdiction: Tennessee |

[***Tenn. Code Ann. § 39-17-905***](https://plus.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:50J2-V4S0-R03M-D4DY-00000-00&context=1530671)

Current through the 2022 Regular Session.

***TN - Tennessee Code Annotated* > *Title 39 Criminal Offenses* > *Chapter 17 Offenses Against Public Health, Safety and Welfare* > *Part 9 Obscenity***

***39-17-905*. Temporary restraining orders and injunctions — Trial — Judgment — Review.**

**(a)** The circuit, chancery, or criminal courts of this state and the chancellors and judges of those courts shall have full power, authority, and jurisdiction, upon application by sworn detailed petition filed by the district attorney general within their respective jurisdictions, to issue any and all proper temporary restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce [*§§ 39-17-901*](https://plus.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:50J2-V4S0-R03M-D4DT-00000-00&context=1530671) — [*39-17-908*](https://plus.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:50J2-V4S0-R03M-D4F2-00000-00&context=1530671). However, this section shall not be construed to authorize the issue of ex parte temporary injunctions preventing further regularly scheduled exhibition of motion picture films by commercial theaters, such injunction to issue only upon at least one (1) day's notice, but the court may immediately forbid the removing, destroying, deleting, splicing, amending or otherwise altering the matter alleged to be obscene.

**(b)** The person to be enjoined shall be entitled to trial of the issues within two (2) days after joinder of issue, and a decision shall be rendered by the court within two (2) days of the conclusion of the trial. In order to facilitate the introduction of evidence at any hearing as provided in this section, the court is empowered to order defendants named in any proceeding set out in this section to produce one (1) copy of the matter alleged to be obscene, along with necessary viewing equipment, in open court at the time of the hearing or at any other time agreed upon by the parties and the court. In proceedings under this section, there shall be no right to trial by jury. If the defendant in any suit for injunction filed under the terms of this section shall fail to answer or otherwise join issue within twenty (20) days after the filing of a petition for injunction, the court, on motion of the district attorney general, shall enter a general denial for the defendant, and set a date for hearing on the questions raised in the petition for injunction within ten (10) days following the entry of the denial entered by the court, and the court shall render its decision within two (2) days after the conclusion of that hearing.

**(c)** In the event that a final order or judgment of injunction is entered against the person sought to be enjoined, the final order or judgment shall contain a provision directing the person to surrender to the clerk of the court of the county in which the proceedings were brought any of the obscene matter in the person's possession, and the clerk shall be directed to hold the matter in the clerk's possession to be used as evidence in any criminal proceedings in which the matter is in issue, but if no indictment is returned concerning the matter within six (6) months of the entry of final order, the clerk shall destroy the matter.

**(d)** Any party, including the district attorney general, shall be entitled to an appeal from an adverse decision of the court. The granting of an appeal shall have the effect of staying or suspending any order to destroy but not an order to seize the matter, nor shall the granting of an appeal suspend any permanent injunction granted by the trial court.

**History**

[*Acts 1989, ch. 591, § 1*](https://plus.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4J6N-MHY0-002X-50R0-00000-00&context=1530671).

Annotations

**Research References & Practice Aids**

**Law Reviews.**

Tennessee Appellate Procedure and the Uniform Administrative Procedures Act (William J. Harbison), 6 Mem. St. U.L. Rev. 291 (1976).

TENNESSEE CODE ANNOTATED

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