

TENNESSEE v. MCCORMICK

No. M2013-02189-SC-R11-CD:

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The Tennessee Supreme Court reconsidered their decision in State v. Moats, 403 S.W.3d 170 (Tenn. 2013), which held that the *community caretaking doctrine* is not an exception to the federal and state constitutional warrant requirements. The Court concluded that Moats was wrongly decided, the court overruled Moats and held that the community caretaking doctrine is analytically distinct from consensual police-citizen encounters and *is instead an exception to the state and federal constitutional warrant requirements which may be invoked to validate as reasonable a warrantless seizure of an automobile*. To establish that the community caretaking exception applies, the State must show that:

(1) The officer possessed specific and articulable facts, which, viewed objectively and in the totality of the circumstances, reasonably warranted a conclusion that a community caretaking action was needed; and

(2) The officer's behavior and the scope of the intrusion were reasonably restrained and tailored to the community caretaking need.

Bottom line, if you see someone slumped over in a car, under circumstances that cause you to reasonably fear for their safety or health; you may turn on your emergency lights and do a welfare check of that person, without fear of it being an illegal seizure. The “caretaker function” is now a separate exception to the fourth amendment.

Thank the Tennessee Supreme Court for straightening out this previously contradictory and confusing area of the law!