

<b>GUDDIGA DUGSIGA SHURUUCDA DADWEYNAHA EE TENNESSEE</b>		
<b>KA JOOJINTA/CAYRINTA/DIB UGU CELINTA</b>		<b>6316</b>
<b>LA ANSIXIYAY</b> <b>Abriil 9, 2021</b>	<b>DIB LOO EEGAY:</b>	<b>KORMEERIDA</b> <b>Dib u eegista: Si sanadle</b>

#### **QEEXITAANADA<sup>1</sup>**

Ka joojinta: Laga eryay imaanshaha dugsiga sabab kasta oo aan ka badnayn toban (10) maalmood dugsiiyeed oo isku xigta. Ka joojinada badan waa in aanay u socon si isku xigta sidoo kale eryidda badan waa in lagu dabaqaa si looga fogaado ka cayrinta dugsiga.

Cayrinta: Ka saarida imaanshaha in ka badan toban (10) maalmood oo dugsii oo isku xigta ama in ka badan shan iyo toban (15) maalmood oo dugsiiyeed bil gudaheed oo soo xaadiritaan dugsii.

Dib ugu celinta dugsii kale: Ku meelaynta dugsii beddelaad ah.

#### **SABABAHA KA JOOJINTA/CAYRINTA/ DIB UGU CELINTA DUGSI BEDDELAAD AH<sup>2</sup>**

Maamule kasta, maamule-macallin, ama kaaliyaha maamulaha (oo halkan loogu yeero maamule ama hoggaamiye dugsii) ayaa laga yaabaa inuu ka joojiyo/ka cayriyo/ku celiyo dugsii beddelaad ah arday kasta ka soo qaybgalka dugsiga ama hawl kasta oo la xidhiidha dugsiga gudaha ama dibadda xerada ama ka soo qaybgalka fasal ama fasalo gaar ah , ama raacida baska dugsiga, iyada oo aan ardaygaas laga joojin imaanshaha dugsiga (ka joojinta gudaha dugsiga ah), sababo wanaagsan oo ku filan oo ay ka mid yihiin, laakiin aan ku xaddidnayn:

- (1) Ku xadgudubka joogtada ah iyo badheedhka ah ee xeerarka dugsiga;
- (2) Dhaqan ah akhlaaq xumo iyo ixtiraam daro ama luuqad ah af-xumo ama caay;
- (3) Rabshada ama xadgudubka hanjabaada ah ee ka dhanka ah qofka ee shaqaale kasta oo ka qaybgalaya ama lagu qoray dugsii kasta;
- (4) Waxyeelo xaasidnimo ama badheedh ah oo loo geysto hantida dhabta ah ama shakhsi ahaaneed ee dugsiga, ama hantida qof kasta oo ka qayb galaya ama lagu meeleyay dugsiga;
- (5) Kicinta, talo siinta, ama la-talinta kuwa kale si ay ugu lug yeeshaan mid kasta oo ka mid ah falalka lagu sheegay xeerkan;
- (6) Calaamadaynta, halaynta, ama burburinta hantida dugsiga;
- (7) Ku haysashada bastoolad, qori, ama hub hantida dugsiga;
- (8) Ku haysashada mindi ama hub kale sida lagu qeexay gudaha T.C.A. § 39-17-1301 hantida dugsiga;
- (9) Si xadgudub leh ugu weerarida hogaamiye dugsii, macalin, darawalka baska dugsiga, ama shaqaalaha kale ee dugsiga luuqad cay ah, fisqinimo, ama hanjabaad ah;
- (10) Isticmaalka sharci darrada ah ama haysashada daroogada hurdada keenta ama daroogooyinka la ansixiyay sida lagu qeexay gudaha T.C.A. § 53-10-101;
- (11) Hal (1) ama arday badan oo ku bilaabaya weerar jidheed arday shakhsi ah oo ku sugan hantida dugsiga ama hawlaha la xidhiidha dugsiga, oo ay ku jiraan u socdaalida iyo ka soo noqoshada dugsiga ama hawlaha la xidhiidha dugsiga;

- (12) Samaynta hanjabaad, oo ay ku jirto warbixin been abuur ah, si loo isticmaalo bam, waxyaabaha qarxa, ama wax kasta oo qarx dhimasho keena ama qalab wax dumiya, oo ay ku jiraan hubka kiimikada, oo lagu haysto hantida dugsiga ama dhacdada dugsigu maalgeliyay;
- (13) Dhaqan kasta oo kale oo wax u dhimaya nidaamka wanaagsan ama anshaxa ee dugsi kasta oo dadweyne; iyo
- (14) Dhaqan-dembiyeedka ka baxsan xerada taasoo keenta in ardayga si sharci ah loogu soo oogo dembi kaas oo loo kala saari doono dembi wayn haddii ardayga loogu xukumay dambi qof wayn ahaan ama haddii loogu xukumay qof yar ahaan kaas oo loo aqoonsan doono inuu yahay dembi wayn haddii ardaygu yahay qof weyn, ama haddii ardayga lagu xukumay dambi, oo joogitaanka ardayga ee dugsiga ay u keenayso khatar dadka ama hantida ama carqaladayn nidaamka waxbarashada ah.

Haddii, sababo la xidhiidha baadhitaan, hogaamiye dugsi ama qofka u wakiishay/ wakiilatay ay ogaadaan in arday ku kacay is-difaacid iyadoo la aaminsan yahay si macquul ah in ardayga ama mid kale kaas oo ardaygu uu ugu imanayo difaaca ay la kulmayeen khatar dhow oo dhimasho ama dhaawac halis ah, markaas ardaygu ma wajihi karo wax tallaabo edbin ah;

#### **EDEBINTA ARDAYDA QABO NAAFANIMADA**

Dugsiyada charter-ka la ansixiyay waa inay xaqiijiyaan in dhammaan shuruudaha sharciyada gobolka iyo federaalka (oo ay ku jiraan, laakiin aan ku xaddidnayn sharciga waxbarashada Shakhsiyaadka Naafanimada qabo iyo Qaybta 504 ee Sharciga Dhaqancelinta ee 1973), shuruucda iyo xeerarka la raaco marka la edbinaayo ardayda qabta naafanimada.

#### **KU GANAAXIDA GUDAHA DUGSIGA<sup>3</sup>**

Ardeyda lagu ganaaxo dugsiga dhexdiisa in ka badan hal (1) maalin dugsiyeed waa inay ka qayb galaan mid uun fasallada gaarka ah oo ay dhigtaan kaliya arday sameeyay anshax xumada ama la geliyaa meel go'doon ah oo ku habboon waxbarashada. Ardayda dugsiga dhexdiisa lagu ganaaxo waa in looga baahan yahay inay dhammaystiraan shaqooyinka tacliineed oo waa in ay ku helaan buundooyin shaqada ay dhammeeystiraan.

#### **HABRAACYADA KA BAXSAN DUGSIGA EE KA JOOJINTA/CAYRINTA/ DIB UGU CELIINTA DUGSI BEDDELAAD AH<sup>4</sup>**

Ilaa joogitaanka ardayga ee dugsiga, fasalka, ama hawlaha la xidhiidha dugsiga ay u keenayso khatar degdeg ah ardayga ama dadka kale ama hantida, waa in uunsan hogaamiye dugsi ka joojini/ka saarin/dib ugu celin dugsi beddelaad ah arday kasta ilaa ardaygaas lagula taliyo nooca dhaqan xumadiisa/dhanqan xumadeeda, su'aal laga waydiiyay ayada, loona ogolaaday inuu sharaxaad ka bixiyo.

Marka laga joojiyo/cayriyo/dib loogu celiyo dugsi beddelaad ah arday kasta ama ku ganaaxida gudaha dugsiga in ka badan hal (1) maalin dugsiyeed, hogaamiyaha dugsigu waa in uu la xidhiidhaa waalidka ama masuulka afar iyo labaatan (24) saacadood gudahooda ee go'aanka sii uu u ogeysiyo isaga/iyada ka Joojinta/cayrinta/dib ugu celinta dugsi beddelaad ah, sababta keentay, iyo shuruudaha dib u soo celinta, oo ay ku jiri karaan, codsiga labada dhinac midkood, kulan lala yeesho waalidka ama masuulka, ardayga, iyo hoggaamiyaha dugsiga.

Haddii dhererka ka joojinta uu u dhexeeyo lix (6) iyo toban (10) maalmood, hoggaamiyaha dugsigu waa inuu dejiyaa oo hirgeliyaa qorshe kor loogu qaadayo dhaqanka marka ardaygu ku soo noqdo dugsiga.

Haddii ka joojinta/cayrinta/dib ugu celinta dugsiga beddelaad ah ay dhacdo tobanka (10) maalmood ee ugu dambeeya dugsiga ee teeram kasta ama semistar kasta, ardayga waxa laga yaabaa in loo oggolaado inuu galo imtixaannada kama dambaysta ah ee noocaas ah ama soo gudbiyo shaqada noocaas ah ee looga baahan yahay si loo dhammaystiro koorsada waxbarida semisterkaas, iyadoo ku xiran tilaabada hoggaamiyaha dugsiga.<sup>5</sup>

**Ka joojinta/Cayrinta/Dib ugu celinta dugsiga beddelaad ah in ka badan Toban (10) maalmood.** Haddii, wakhtiga ka joojinta, hoggaamiyaha dugsigu uu go'aamiyo in dembiga la galay sabab u noqon karo ka joojinta/cayrinta/dib ugu celinta dugsiga beddelaad ah in ka badan toban (10) maalmood, isaga/iyada waxa laga yaabaa in ay ka joojiyaan/cayriyaan/dib ugu celiyaan dugsiga metelaad ah ardayga shuruud la'aan wakhti cayiman ama marka shuruudaha iyo shardiyaada loo arko macquul.

Hoggaamiyaha dugsigu waa inuu isla markiiba ogeysiis siiyaa waalidka ama masuulka ardayga xaqa uu u leeyahay inuu rafcaan ka qaato go'aanka ka joojinta/cayrinta/dib ugu celinta dugsiga beddelaad ah in ka badan toban (10) maalmood ee Maamulka Dhagaysiga Anshaxa sida ku cad Xeerka LEA ee Guddiga 6317 - Dib ugu celinta dugsiga beddelaad ah ee looga baahan yahay iyo Maamulka Dhageysiga Anshaxa Ardayga.

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Tixraacyada Sharciga ah:

<sup>1</sup> T.C.A. § 49-6-3007(h)

Yahay iyo Ardayga

<sup>2</sup> T.C.A. § 49-6-3401(a)-(b)

<sup>3</sup> T.C.A. § 49-6-3401(b)(2)

<sup>4</sup> T.C.A. § 49-6-3401(c)(1)-(4);

*Goss v. Lopez*, 419 U.S. 565 (1975)

<sup>5</sup> T.C.A. § 49-6-3401(d)

Tixraacyada Sharaxaada:

Xeerka LEA ee 6317 Dib u Celinada Loo Baahan

Maamulka Dhegeysiga Edbinta

Xeerka LEA 6313 Anshaxa Ardayga

Xeerka LEA 1801 Waxbarashada Gaarka ah

Xeerka LEA 1802 ADA iyo Qaybta 504