

PUBLIC CHAPTER NO. 861

HOUSE BILL NO. 2626

By Representatives Lollar, Fincher, Rich, Maggart

Substituted for: Senate Bill No. 3314

By Senators Kelsey, Burks, Black

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to criminal procedure and sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-106, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 2. Tennessee Code Annotated, Section 40-35-107, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 3. Tennessee Code Annotated, Section 40-35-108, is amended by designating the existing language of subdivision (b)(3) as (b)(3)(A) and by adding the following new (b)(3)(B):

(B) Notwithstanding subdivision (b)(3)(A), a finding or adjudication that a defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether the juvenile was transferred to criminal court pursuant to § 37-1-134, or similar statutes of other states or jurisdictions;

SECTION 4. Tennessee Code Annotated, Section 40-35-207, is amended by deleting subdivision (a)(4) and substituting instead the following:

(4) The defendant's record of prior convictions, including any juvenile court findings or adjudications that the defendant committed an act as a juvenile that would constitute a Class A or Class B felony if committed by an adult;

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it and shall apply to all defendants committing offenses on or after such date.

PASSED: April 15, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of April 2010


PHIL BREDESEN, GOVERNOR