

PUBLIC CHAPTER NO. 867

HOUSE BILL NO. 3281

**By Representatives Coleman, Maggart, Rich, Bass, Lundberg, Sontany,
Matheny, Watson, Todd, Shipley, Fincher, Hardaway**

Substituted for: Senate Bill No. 3346

By Senators Kyle, Burks

AN ACT to amend Tennessee Code Annotated, Title 40, relative to bail.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118(a), is amended by adding the following at the end of the existing language:

If the defendant has one or more prior convictions for § 55-10-401, § 39-13-106 or § 39-13-213(a)(2), the defendant shall not be released unless the court first determines he or she is not a danger to the community. The court may consider the use of monitoring devices to eliminate danger to the community including, but not limited to:

- (1) Ignition Interlock devices;
- (2) Transdermal monitoring devices or other alternative alcohol monitoring devices;
- (3) Electronic monitoring with random alcohol or drug testing; or
- (4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 2. Tennessee Code Annotated, Section 40-11-148, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

(b) If a defendant has been admitted to and released on bail for a violation of § 55-10-401, § 39-13-106 or § 39-13-213(a)(2) and commits any of those crimes after release, he or she shall be considered a danger to the community. He or she shall not be released with another bail unless the court first determines he or she is no longer a danger to the community. The court may consider the use of monitoring devices to eliminate the danger posed including, but not limited to:

- (1) Ignition Interlock devices;

- (2) Transdermal monitoring devices or other alternative alcohol monitoring devices;
- (3) Electronic monitoring with random alcohol or drug testing; or
- (4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 3. This act shall take effect January 1, 2011, the public welfare requiring it.

PASSED: April 15, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of April 2010


PHIL BREDEESEN, GOVERNOR