

PUBLIC CHAPTER NO. 981

HOUSE BILL NO. 3577

By Representative Sherry Jones

Substituted for: Senate Bill No. 3380

By Senators Marrero, Ford

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6; Title 39, Chapter 13; Title 40, Chapter 11, Part 1 and Title 40, Chapter 35, Part 3, relative to the definitions concerning domestic abuse and domestic abuse victims.

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

SECTION 1. Tennessee Code Annotated, Section 36-3-606, is amended by deleting subdivision (e) and substituting instead the following:

(e) If the petitioner is a victim as defined in § 36-3-601(10) or (11), the provisions of subdivisions (a)(4) and (5) shall not apply to such petitioner.

SECTION 2. Tennessee Code Annotated, Section 39-13-101, is amended by deleting the first sentence of subdivision (b)(2) and substituting instead the following:

(2) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in § 36-3-601(5), and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$200).

SECTION 3. Tennessee Code Annotated, Section 39-13-102, is amended by deleting the first sentence of subdivision (e)(2) and substituting instead the following:

(2) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in § 36-3-601(5), and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$200).

SECTION 4. Tennessee Code Annotated, Section 40-35-303, is amended by deleting subdivision (c)(2)(C)(ii) and substituting instead the following:

(ii) Assault as prohibited by § 39-13-101, vandalism as prohibited by § 39-14-408, or false imprisonment as prohibited by § 39-13-302, where the victim of the offense is a person identified in § 36-3-601(5);

SECTION 5. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of stalking, aggravated stalking or especially aggravated stalking, as defined in § 39-17-315, any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

- (1) A threat to the alleged victim;
- (2) A threat to public safety; and
- (3) Reasonably likely to appear in court.

SECTION 6. Tennessee Code Annotated, Section 40-35-303, is amended by deleting from subsection (m) the citation “§ 36-3-601(8)” and substituting instead the citation “§ 36-3-601(5)”.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 13, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 27th day of May 2010



PHIL BREDESEN, GOVERNOR