



State of Tennessee

PUBLIC CHAPTER NO. 322

HOUSE BILL NO. 1946

By Representatives Faison, Hawk, Hardaway, Parkinson, Weaver, Evans, Eldridge, Ryan Williams, Sexton, Hall, White

Substituted for: Senate Bill No. 1095

By Senators Southerland, Beavers

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14 and Title 40, relative to theft.

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

SECTION 1. Tennessee Code Annotated, Section 39-14-103, is amended by designating the present language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) As a condition of pretrial diversion, judicial diversion, probation or parole for a violation of subsection (a) when the violation occurs as set out in subdivision (b)(2), the person may be required to perform debris removal, clean-up, restoration, or other necessary physical labor at a location within the area affected by the disaster or emergency that is in the county where the offense occurred.

(2) The condition of pretrial diversion, judicial diversion, probation or parole containing the requirement set out in subdivision (b)(1) may be used if the violation of subsection (a) occurs:

(A) During or within thirty (30) days following the occurrence of a tornado, flood, fire, or other disaster or emergency, as defined in § 58-2-101;

(B) Within the area affected by the disaster or emergency; and

(C) When, as a result of the disaster or emergency, the owner of the property taken, or the person charged with custody of the property, is unable to adequately guard, secure or protect the property from theft.

(3) Subdivision (b)(2) shall apply regardless of whether a state of emergency has been declared by a county, the governor, or the president of the United States at the time of or subsequent to the theft.

(4) Any period of physical labor required pursuant to subdivision (b)(1) shall not exceed the maximum sentence authorized pursuant to § 39-14-105.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to violations committed on or after the effective date of this act.

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PASSED: May 16, 2011



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 27 day of May 2011



BILL HASLAM, GOVERNOR