



State of Tennessee
PUBLIC CHAPTER NO. 484

HOUSE BILL NO. 694

By Representatives Maggart, Don Miller, Eldridge, Watson, Niceley, Rich, Keisling, Lollar, McManus, Bass, Dean, Elam, Hensley, Cobb, White, Faison, Harry Brooks, Todd, Coley, Alexander, Wirgau, Halford, Dunn, Curtis Johnson, Powers, Tidwell, Hall, Shipley, Womick

Substituted for: Senate Bill No. 1234

By Senators Yager, Kelsey, Burks, Gresham, Stewart, Norris

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 41, relative to criminal procedure.

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

SECTION 1. Tennessee Code Annotated, Section 40-15-105, is amended by deleting subdivision (a)(1)(B) and substituting instead the following:

(B) For purposes of this section, "qualified defendant" means a defendant who meets each of the following requirements:

(i) The defendant has not previously been granted pretrial diversion under the provisions of this chapter or judicial diversion under the provisions of § 40-35-313;

(ii) The defendant does not have a prior conviction for a Class A or B misdemeanor or for any class of felony; and

(iii) The charged offense for which the prosecution is being suspended is not a felony or any of the following offenses:

(a) Driving under the influence of an intoxicant as prohibited by § 55-10-401;

(b) Any misdemeanor sexual offense prohibited by title 39, chapter 13, part 5;

(c) Conspiracy, under § 39-12-103, to commit any Class E felony sexual offense prohibited by title 39, chapter 13, part 5;

(d) Criminal attempt, under § 39-12-101, to commit any Class E felony sexual offense prohibited by title 39, chapter 13, part 5; or

(e) Solicitation, under § 39-12-102 to commit any Class E or Class D felony sexual offense prohibited by title 39, chapter 13, part 5.

SECTION 2. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i), is amended by deleting subdivisions (b) and (c) in their entirety and substituting instead the following:

(b) Is not seeking deferral of further proceedings for a sexual offense, a violation of § 71-6-117 or § 71-6-119, driving under the influence of an intoxicant as prohibited by § 55-10-401, or a Class A or B felony;

(c) Has not previously been convicted of a felony or a Class A misdemeanor for which a sentence of confinement is served; and

(d) Has not previously been granted judicial diversion under this chapter or pretrial diversion.

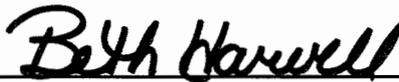
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SECTION 3. This act shall not apply to the eligibility of a person for suspension of prosecution pursuant to title 40, chapter 15, part 1 if the offense for which such person is charged was committed prior to July 1, 2011. The law in effect at the time shall govern such person.

SECTION 4. This act shall take effect on July 1, 2011, the public welfare requiring it and shall govern the eligibility of a person for suspension of prosecution pursuant to title 40, chapter 15 for any person charged with an offense that was committed on or after the effective date.

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PASSED: May 21, 2011



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 16th day of June 2011



BILL HASLAM, GOVERNOR