



State of Tennessee

PUBLIC CHAPTER NO. 1034

SENATE BILL NO. 1558

By Norris, Bell, Kelsey, Gardenhire, Green, Jackson, Tate, Watson

Substituted for: House Bill No. 1479

By Lamberth, Sanderson, Towns, Smith

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

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

SECTION 1. Tennessee Code Annotated, Section 40-35-121, is amended by deleting subdivision (a)(1)(A), and substituting instead the following:

(A) As one (1) of its primary activities, the commission of criminal gang offenses;

SECTION 2. Tennessee Code Annotated, Section 40-35-121, is amended by deleting subsection (b) and substituting instead the following:

(b) A criminal gang offense committed by a defendant shall be punished one (1) classification higher than the classification established by the specific statute creating the offense committed if:

(1) The defendant was a criminal gang member at the time of the offense; and

(2) The criminal gang offense was committed at the direction of, in association with, or for the benefit of the defendant's criminal gang or a member of the defendant's criminal gang.

SECTION 3. Tennessee Code Annotated, Section 40-35-121, is amended by deleting subsection (e) and substituting instead the following:

(e) A criminal gang offense committed by a defendant shall be punished two (2) classifications higher than the classification established by the specific statute creating the offense committed if, at the time the offense was committed:

(1) The defendant was a criminal gang member;

(2) The defendant was also a leader or organizer of the criminal gang; and

(3) The offense was at the direction of, in association with, or for the benefit of the defendant's criminal gang or a member of the defendant's criminal gang.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 20, 2016

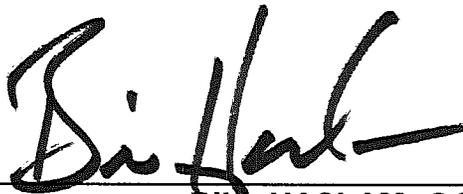


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of April 2016



BILL HASLAM, GOVERNOR