House Criminal Justice Subcommittee Am. #1

Amendment No._____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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Signature of Sponsor

AMEND Senate Bill No. 1606 House Bill No. 1557*

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 39-14-503(a), is amended by deleting the subsection and substituting instead the following:

(1) Mitigated criminal littering is littering in an amount less than or equal to five pounds (5 lbs.) in weight or seven and one-half (7.5) cubic feet in volume.

(2) If litter described in subdivision (a)(1) is or includes human waste in a container, the offense is a Class B misdemeanor punishable in accordance with § 39-14-504(c).

SECTION 2. Tennessee Code Annotated, Section 39-14-503(b), is amended by deleting the subsection and substituting instead the following:

(b) Except as provided in subdivision (a)(2), mitigated criminal littering is a Class C misdemeanor punishable by a fine of fifty dollars ($50.00) and as provided in subsections (c) and (d).

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

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AMEND Senate Bill No. 1820 House Bill No. 1575*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "2020 Defense Doctrine."

SECTION 2. Tennessee Code Annotated, Section 39-11-106(a), is amended by adding the following as a new subdivision:

( ) "Grave sexual abuse" means:

(A) Aggravated rape, pursuant to § 39-13-502;

(B) Rape, pursuant to § 39-13-503;

(C) Rape of a child, pursuant to § 39-13-522; or

(D) Aggravated rape of a child, pursuant to § 39-13-531;

SECTION 3. Tennessee Code Annotated, Section 39-11-504(a), is amended by deleting the language "well-grounded apprehension of death or serious bodily injury" and substituting instead "well-grounded apprehension of death, serious bodily injury, or grave sexual abuse".

SECTION 4. Tennessee Code Annotated, Section 39-11-611(b)(2)(A), is amended by deleting the language "imminent danger of death or serious bodily injury" and substituting instead "imminent danger of death, serious bodily injury, or grave sexual abuse".

SECTION 5. Tennessee Code Annotated, Section 39-11-611(b)(2)(B), is amended by deleting the language "imminent death or serious bodily injury" and substituting instead "imminent death, serious bodily injury, or grave sexual abuse".

SECTION 6. Tennessee Code Annotated, Section 39-11-611(f)(2), is amended by deleting the language "imminent danger of death or serious bodily injury" and substituting instead "imminent danger of death, serious bodily injury, or grave sexual abuse".

SECTION 7. Tennessee Code Annotated, Section 39-11-611, is amended by deleting the language "death or serious bodily harm" from subdivisions (f)(3) and (f)(5)(B) and substituting instead "death, serious bodily injury, or grave sexual abuse".

SECTION 8. Tennessee Code Annotated, Section 39-11-620(b), is amended by deleting the language "serious bodily injury" wherever it appears and substituting instead "serious bodily injury or grave sexual abuse".

SECTION 9.

By January 1, 2021:

(1) The police officer standards and training commission shall update all law enforcement training materials to reflect this act; and

(2) Any instructor approved by the department of safety to provide a handgun safety course that satisfies the training requirement to obtain a handgun carry permit shall update all training materials to reflect this act.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 1315 **House Bill No. 1478***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b)(2), is amended by deleting the subdivision and substituting instead the following:

(2) Reckless endangerment committed with a deadly weapon, which includes the use of a motor vehicle operated with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, is a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 39-13-103(b), is amended by redesignating the existing subdivision (4) as subdivision (5), and adding the following as a new subdivision (4):

(4)

(A) Reckless endangerment under the circumstances set out in subdivision (b)(4)(B) is a Class C felony, which includes, in addition to any period of confinement, the following:

(i) A mandatory fine of not less than five thousand dollars ($5,000) nor more than is ten thousand dollars ($10,000); and

(ii) Except as provided in subdivision (b)(4)(D):

(*a*) Revocation of the person's driver license for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the person had a valid driver license on the date of conviction for the offense; or

(*b*) A prohibition against the department issuing a driver license to the person for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the person did not possess a valid driver license at the time of conviction for the offense.

(B) Subdivision (b)(4)(A) applies to reckless endangerment committed by discharging a firearm:

(i) Into a group of two (2) or more people;

(ii) From within a motor vehicle, as defined by § 55-1-103; or

(iii) Into a motor vehicle.

(C)

(i) Upon ordering the license revocation or prohibition of the person pursuant to subdivision (b)(4)(A)(ii), the court shall submit a copy of the conviction and an order for revocation or prohibition, whichever is applicable, of the person's driver license to the department of safety.

(ii) Upon receipt of a conviction and an order for revocation of the person's driver license, the department shall revoke the person's driver license if the person had a valid driver license on the date of conviction. Except as provided in subdivision (b)(4)(D), the driver license shall not be reinstated or, if the person did not have a valid driver license on the date of conviction, shall not be issued until the five-year period following release from confinement has expired. The person whose license was revoked or prohibited pursuant to subdivision (b)(4)(A)(ii) may apply to the department for reinstatement or issuance of the person's driver license after the five-year period following release from confinement has expired. The person whose license was revoked or prohibited has the burden of submitting documents to the department showing, to

the satisfaction of the department, the date the person was released from confinement.

(D) A person whose driver license is revoked or issuance prohibited pursuant to subdivision (b)(4)(A)(ii) may, upon the person's release from confinement, apply to the court, or any court of competent jurisdiction in the person's county of residence, for a restricted driver license. Upon demonstration of a compelling need by the person, the court may allow the issuance of a restricted driver license for the purpose of going to and from work at the person's regular place of employment; going to and from the person's regular place of worship; going to and from medical appointments for the person and immediate family members; going to and from a dependent's day care or school; and, in the case of a student enrolled full-time in an institution of higher education, going to and from that institution. If the court orders the issuance of a restricted driver license, the person may obtain a certified copy of the order and, within ten (10) days after issuance of the order, present the order to the department with an application fee of sixty-five dollars ($65.00), and the department shall issue a restricted driver license embodying the limitations imposed in the order.

SECTION 3. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision (6):

(6) In addition to the penalty authorized by this subsection (b), if the court finds that the act resulting in the conviction was committed with a deadly weapon, the court shall require the person to complete an anger management program.

SECTION 4. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following language as a new subsection (c):

(1) At the sentencing hearing of a person convicted of violating subdivision (b)(2), the state may offer evidence showing that the violation of subdivision (b)(2) was an act of community terrorism as defined in subdivision (c)(3). If the court finds that the act resulting in the conviction constituted an act of community terrorism and that the

person convicted threatened use of a firearm but did not actually display or use a firearm during the commission of the offense, then the court shall punish the person one (1) classification higher than the classification established for the offense for which the person was convicted.

(2) At the sentencing hearing of a person convicted of violating subdivision (b)(3) or (b)(4)(B), the state may offer evidence showing that the violation of subdivision (b)(3) or (b)(4)(B) was an act of community terrorism as defined in subdivision (c)(3). If the court finds that the act resulting in the conviction constituted an act of community terrorism, then the court shall punish the person two (2) classifications higher than the classification established for the offense for which the person was convicted.

(3) As used in this subsection (c), "community terrorism" means an offense committed against a population within a geographic territory by members of a criminal gang that regularly engages in gang related conduct, as defined by § 29-3-101(a)(2)(B), or has a pattern of criminal gang activity, as defined by § 40-35-121(a), and the commission of the offense is gang-related.

SECTION 5. Tennessee Code Annotated, Section 39-13-103(a), is amended by deleting the subsection and substituting instead the following:

(a) A person commits an offense who recklessly engages in, either individually or in concert with another person, conduct that places or may place another person in imminent danger of death or serious bodily injury.

SECTION 6. This act shall take effect July 1, 2020, the public welfare requiring it.