

**Senate Judiciary Committee Amendment No. 1 (by Cohen)**

**Amendment No. 1 to SB0034**

**Person  
Signature of Sponsor**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

**AMEND Senate Bill No. 34**

**House Bill No. 34\***

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

SECTION 1. Tennessee Code Annotated, Section 39-16-201, is amended by deleting subsection (b) and by substituting instead the following subsections:

(b) Notice of the prohibitions of this section and the potential penalty for a violation thereof shall be prominently posted at all entrances to a penal facility.

The absence of such a notice is not a defense to a prosecution for a violation of this section.

(c)

(1) It is unlawful for any person to knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any tobacco products if such institution's policies prohibit the possession or use of such items in institutional structures or on institutional grounds.

(2) It is unlawful for any person to knowingly possess any tobacco products prohibited by the institution's policy while present in any penal institution where prisoners are quartered or under custodial supervision without the express written consent of the chief administrator of the institution if such institution's policies prohibit the possession or use of such items in institutional structures or on institutional grounds.

(3)

(A) The institution's prohibition against the possession or use of tobacco products in institutional structures or on

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institutional grounds shall be prominently posted and properly maintained on each structure's entrance and at each entrance to institutional grounds where the possession and use of tobacco products is prohibited by institutional policy.

(B) Such sign shall clearly state:

IT IS A CLASS C  
MISDEMEANOR TO POSSESS  
OR USE TOBACCO PRODUCTS  
ON DESIGNATED  
INSTITUTIONAL GROUNDS OR  
IN DESIGNATED  
INSTITUTIONAL STRUCTURES.

(d) A violation of Section (1)(a) is a Class C felony. A violation of Section (c)(1) or (c)(2) is a Class C misdemeanor.

SECTION 4. This act shall take effect July 1, 1999, the public welfare requiring it.