

SENATE BILL 604  
By McNally

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34, Part 2 and Title 40, Chapter 35, Part 1, relative to the criminal punishment and civil liability for certain offenses committed against persons of a certain age.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as an appropriately numbered new enhancement factor:

( ) The defendant committed the offense of theft by means of deception as defined by Tennessee Code Annotated, Section 39-11-106(a)(6) or fraud as defined by Tennessee Code Annotated, Section 39-11-106(a)(13) and the victim of the theft was sixty-five (65) years of age or older;

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following as a new section:

Section 29-34-2\_\_\_. Any person sixty-five (65) years of age or older who is the victim of the offense of theft and such theft is committed by means of deception as defined by Tennessee Code Annotated, Section 39-11-106(a)(6) or fraud as defined by Tennessee Code Annotated, Section 39-11-106(a)(13) shall have a civil cause of action against the defendant or defendants for three (3) times the value of the property or services stolen and shall be entitled to all attorney fees, investigative costs and court costs reasonably incurred in bringing such civil action.

SECTION 3. This act shall take effect July 1, 1999, the public welfare requiring it.

