

Amendment No. 1 to HB1210

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Fitzhugh
Signature of Sponsor

AMEND Senate Bill No. 1763*

House Bill No. 1210

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

SECTION 1. Tennessee Code Annotated, Section 36-3-612, is amended by deleting the section in its entirety and by substituting instead the following:

(a) A person who knowingly violates an order of protection issued pursuant to this part or a restraining order issued to a party who is a victim as defined in § 36-3-601(8) commits the offense of violation of a protective order.

(b) Any act that constitutes the offense of violation of a protective order shall be subject to arrest as set forth in § 36-3-619.

(c) A person who is arrested for violation of a protective order shall be considered within the provisions of § 40-11-150(a) and subject to the twelve-hour hold period authorized by § 40-11-150(h).

(d) At the time the issue of bond is being determined, the magistrate shall notify or cause to be notified the victim of violation of a protective order that the defendant has been arrested.

(e) Neither an arrest nor the issuance of a warrant or capias for the offense of violation of a protective order shall in any way affect the validity or enforceability of any order of protection or restraining order.

(f) Violation of a protective order is a Class A misdemeanor and any sentence imposed shall be consecutive to any other offense that is based in whole or in part on the same factual allegations unless the sentencing judge or magistrate specifically makes the sentences for any such offenses arising out of the same facts to be concurrent with one another.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

