

HOUSE BILL 1122
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 1, relative to certain assaultive offenses.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as new, appropriately designated sections:

Section 39-13-113.

As used in Sections 39-13-114 and 39-13-115 unless the context otherwise requires, the term "official" means and includes a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction.

Section 39-13-114.

(a) A person commits assault on a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction who:

(1) Commits assault as defined in § 39-13-101(a);

(2) The victim of the assault is a law enforcement officer as defined in § 39-11-106(a)(21), correctional officer, employee of the department of correction, or private contractor with the department of correction; and

(3) Such law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction was:

(A) Acting in the performance of such official's duties while in uniform or exhibiting evidence of such official's status as a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction; or

(B) Known or reasonably should have been known by the defendant to be a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction and was assaulted by the defendant because of the official's status as a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction.

(b) A person also commits assault on a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction who knows or has reason to know such official is a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction and knowingly and without the official's permission:

(1) Removes or causes to be removed a chemical irritant weapon, impact weapon, handcuffs, or flex-cuffs from the possession of the official or deprives the official of the use of the weapon or device; or

(2) Removes or causes to be removed a firearm or stun weapon from the possession of the official or deprives the official of the use of the weapon.

(c)

(1) A violation of subsection (a) or (b)(1) is a Class E felony.

(2) A violation of subsection (b)(2) is a Class D felony.

Section 39-13-115.

(a) A person commits aggravated assault on a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction who:

(1) Commits aggravated assault as defined in § 39-13-102(a);

(2) The victim of the assault is a law enforcement officer as defined in § 39-11-106(a)(21), correctional officer, employee of the department of correction, or private contractor with the department of correction; and

(3) Such law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction was:

(A) Acting in the performance of such official's duties while in uniform or exhibiting evidence of such official's status as a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction; or

(B) Known or reasonably should have been known by the defendant to be a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction and was assaulted by the defendant because of the official's status as a law enforcement officer, correctional officer, employee of the department of correction, or private contractor with the department of correction.

(b) A violation of this section is a Class B felony.

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