

HOUSE BILL 2103  
By Shepard

AN ACT to amend Tennessee Code Annotated, Title 38;  
Title 39; Title 40 and Title 68, relative to certain  
controlled substances.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

39-17-4\_\_.

(a) In sentencing a defendant convicted of a violation of § 39-17-417 or § 39-17-418 involving a substance listed in § 39-17-408(d)(2), the judge shall consider each of the following factors that were present at the time of the offense as an enhancement factor by which the defendant's sentence may be increased within the appropriate range:

(1) A firearm was found on the premises;

(2) The possession, transportation, or disposal of materials involved in the manufacture of the illegal controlled substance created a substantial risk to human health or safety or a danger to the environment;

(3) A person under the age of thirteen (13) was present during the manufacturing process;

(4) The manufacturing of the illegal controlled substance was to occur or occurred within five hundred feet (500') of a residence, place of business, church, or school; or

(5) The defendant intended to or manufactured the illegal controlled

substance in a hotel, inn, tourist camp, tourist court, tourist cabin, motel or any other place in which rooms, lodgings or accommodations are furnished to transients for consideration.

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