

Amendment No. 1 to HB0607

Fitzhugh  
Signature of Sponsor

AMEND Senate Bill No. 673

House Bill No. 607\*

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

SECTION 1. The General Assembly finds and declares that deterrence and punishment of violent crime, including but not limited to aggravated robbery with a firearm, is a matter of compelling public interest that requires the highest priority in allocating scarce public resources for imprisonment. To make prison space available to ensure that these violent offenders serve a sentence of sufficient length to remove them as a threat to society and to deter others from committing these offenses, certain non-violent offenders currently serving prison sentences for less serious offenses can be given alternative sentences not involving incarceration without threatening public safety.

SECTION 2. Tennessee Code Annotated, Section 40-35-501, is amended designating the existing language of subdivision (k)(1) as subdivision (k)(1)(A) and by adding the following new subdivisions:

(B) There shall be no release eligibility for a person committing aggravated robbery under § 39-13-402(a)(1) on or after July 1, 2009, if the person has a prior conviction for a dangerous felony, as defined in § 39-17-1324(i), until the person has served seventy-five percent (75%) of the sentence imposed, undiminished by sentence reduction credits earned or retained.

(C) There shall be no release eligibility for a person committing aggravated robbery under § 39-13-402(a)(1), on or after July 1, 2009, if the person has a prior felony

conviction, until the person has served sixty-five percent (65%) of the sentence imposed, undiminished by sentence reduction credits earned or retained.

SECTION 3. Tennessee Code Annotated, Section 40-35-106, is amended by deleting subdivision (b)(4) and substituting instead the following:

(4) Except for convictions for which the statutory elements include serious bodily injury, bodily injury, threatened serious bodily injury, or threatened bodily injury to the victim or victims, or convictions for the offense of aggravated burglary under § 39-14-403, committed on or after July 1, 2009, convictions for multiple felonies committed within the same twenty-four-hour period constitute one (1) conviction for the purpose of determining prior convictions; and

SECTION 4. Tennessee Code Annotated, Section 40-35-107, is amended by deleting subdivision (b)(4) and substituting instead the following:

(4) Except for convictions for which the statutory elements include serious bodily injury, bodily injury, threatened serious bodily injury, or threatened bodily injury to the victim or victims, or convictions for the offense of aggravated burglary under § 39-14-403, committed on or after July 1, 2009, convictions for multiple felonies committed within the same twenty-four-hour period constitute one (1) conviction for the purpose of determining prior convictions; and

SECTION 5. Tennessee Code Annotated, Section 40-35-108, is amended by deleting subdivision (b)(4) and substituting instead the following:

(4) Except for convictions for which the statutory elements include serious bodily injury, bodily injury, threatened serious bodily injury, or threatened bodily injury to the victim or victims, or convictions for the offense of aggravated burglary under § 39-14-403, committed on or after July 1, 2009, convictions for multiple felonies committed within the same twenty-four-hour period constitute one (1) conviction for the purpose of determining prior convictions; and

SECTION 6.

(a) Notwithstanding any provision of law to the contrary, except as provided in subsection (b), a judge sentencing a defendant convicted on or after July 1, 2009 of forgery under § 39-14-114, where the amount of the forgery is less than one thousand dollars (\$1,000), or criminal simulation under § 39-14-115, shall not be authorized to impose the sentencing alternatives of continuous confinement in a local jail or the department of correction as set out in § 40-35-104(c)(5), (c)(6), or (c)(8). The judge may sentence the defendant to any other sentencing alternative set out in § 40-35-104(c), including a sentence to community corrections, probation, pre-trial diversion or judicial diversion

(b) A defendant convicted of an offense set out in subsection (a) may be sentenced to a period of continuous confinement if, after a hearing, the sentencing court determines that the defendant has multiple convictions for any of such offenses and is not a suitable candidate for community corrections, probation, pre-trial diversion or judicial diversion.

(c) A defendant who is being sentenced for both the commission of an offense set out in subsection (a) and some other offense or offenses may be sentenced to a period of continuous confinement for any or all of such other offense or offenses.

SECTION 7. This act shall take effect July 1, 2009, the public welfare requiring it.