

HOUSE BILL 2065

By Rowland

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Title 55, Chapter 10, Part 4, relative to plea bargaining.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-401, is amended by adding the following as a new subsection:

(c) Notwithstanding any other law or rule of court to the contrary, a person charged with a violation of this section shall be prosecuted as provided in this part according to the appropriate number of prior convictions, if any, the person has. The district attorney general shall not have the authority to offer, accept or enter into a plea agreement pursuant to Rule 11 of the rules of criminal procedure with such person if the agreement allows the person to enter a plea of guilty or nolo contendere to an offense that does not have as an essential element the person being in physical control of a motor vehicle while under the influence of an intoxicant.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section thereto:

§ 39-17-452.

Notwithstanding any other law or rule of court to the contrary, no district attorney general or assistant district attorney general shall offer, accept or otherwise enter into a plea bargain agreement with a defendant charged with a violation of this part that is classified as a felony if the agreement permits the defendant to plead guilty to any offense other than a violation of this part.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.