

HOUSE BILL 3281

By Coleman

AN ACT to to amend Tennessee Code Annotated, Title 40,
relative to bail.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118(a), is amended by adding the following at the end of the existing language:

If the defendant has one or more prior convictions for § 55-10-401, § 39-13-106 or § 39-13-213(a)(2), the defendant shall not be released unless the court first determines he or she is not a danger to the community. The court may consider the use of monitoring devices to eliminate danger to the community including, but not limited to:

- (1) Ignition Interlock devices;
- (2) Transdermal monitoring devices;
- (3) Electronic monitoring with random alcohol or drug testing; or
- (4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 2. Tennessee Code Annotated, Section 40-11-148, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection:

(b) If a defendant has been admitted to and released on bail for a violation of § 55-10-401, § 39- 13-106 or § 39-13-213(a)(2) and commits any of those crimes after release, he or she shall be considered a danger to the community. He or she shall not be released with another bail unless the court first determines he or she is no longer a danger to the community. The court may consider the use of monitoring devices to eliminate the danger posed including, but not limited to:

- (1) Ignition Interlock devices;

- (2) Transdermal monitoring devices;
- (3) Electronic monitoring with random alcohol or drug testing; or
- (4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 3. This act shall take effect January 1, 2011, the public welfare requiring it.