

SENATE BILL 1482

By Ford, O.

AN ACT to amend Tennessee Code Annotated, Section 39-13-111, relative to domestic assault.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by deleting subsection (c) in its entirety and substituting instead the following:

(c)

(1) A violation of this section is, unless otherwise stated, a Class A misdemeanor. Upon conviction of the first offense, the minimum period of confinement shall be thirty (30) days. Upon conviction of the second offense, the minimum period of confinement shall be ninety (90) days. Upon conviction of the third offense, the minimum period of confinement shall be six (6) months. The fourth or subsequent conviction shall be a Class E felony with a minimum period of confinement of one (1) year.

(2) In addition to any other punishment that may be imposed for a violation of this section, if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$200). The additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the fine to the general fund. All fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. This

appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.