

SENATE BILL 3285

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 55,
relative to alcohol related driving offenses.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-403(a)(1)(A), is amended by adding the a new subdivision (viii) thereto:

(viii) Notwithstanding any other law or rule of court to the contrary, a person charged with a violation of § 55-10-401 who has a prior conviction for a violation of § 55-10-401, 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. This act shall take effect July 1, 2010, the public welfare requiring it.