

Amendment No. 4 to HB2389

**Hardaway
Signature of Sponsor**

AMEND Senate Bill No. 2251

House Bill No. 2389*

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

SECTION 1. Tennessee Code Annotated, Section 39-13-111(c), is amended by deleting the current subdivision (1), by adding the following as new subdivisions (1), (2), (3), (4), and (5), and by renumbering the existing subdivisions accordingly:

(1) A first conviction for domestic assault and a second or subsequent conviction for domestic assault committed in a manner prohibited by § 39-13-101 (a)(2) and (a)(3) is punishable the same as assault under § 39-13-101, and additionally, as provided in subdivisions (c)(2) to (c)(4) and subsection (d) of this section.

(2)

(A) In addition to the requirements of subdivision (1), a first conviction for domestic assault shall be punishable by completion of a certified batterer's intervention program that is certified as such by the domestic violence coordinating council.

(B) The domestic violence coordinating council shall promulgate rules and regulations to effectuate the purpose of subdivision (2)(A).

(3) A second conviction for domestic assault committed in a manner prohibited by § 39-13-101(a)(1), is punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than three thousand five hundred dollars (\$3,500), and by confinement in the county jail or workhouse for not less than thirty (30) days, nor more than eleven (11) months and twenty-nine (29) days.

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(4) A third or subsequent conviction for domestic assault committed in a manner prohibited by § 39-13-101(a)(1), is punishable by a fine of not less than one thousand one hundred dollars (\$1,100) nor more than five thousand dollars (\$5,000), and by confinement in the county jail or workhouse for not less than ninety (90) days, nor more than eleven (11) months and twenty-nine (29) days.

(5) For purposes of this section, a person who is convicted of a violation of § 39-13-111, committed in a manner prohibited by § 39-13-101(a)(1), shall not be subject to the enhanced penalties prescribed in this subsection (c), if ten (10) or more years have elapsed between the date of the present violation and the date of any immediately preceding violation of 39-13-111, committed in a manner prohibited by § 39-13-101(a)(1), that resulted in a conviction for such offense.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.