

Amendment No. 1 to SB1095

Beavers
Signature of Sponsor

AMEND Senate Bill No. 1095*

House Bill No. 1946

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

SECTION 1. Tennessee Code Annotated, Section 39-14-103, is amended by designating the present language as subsection (a) and by adding the following as a new subsection (b):

(b)

(1) In addition to the penalties available for theft set out in this part, a violation of subsection (a) shall also be punished as provided in this subsection if the violation of subsection (a) occurs

(A) During or within thirty (30) days following the occurrence of a tornado, flood, fire, or other disaster or emergency, as defined in § 58-2-101,

(B) Within the area affected by the disaster or emergency;
and

(C) As a result of the disaster or emergency, the owner of the property taken, or the person charged with custody of it, is unable to properly guard, secure or protect it from theft.

(2) The provisions of subdivision (1) shall apply regardless of whether a state of emergency has been declared by a county, the governor, or the president of the United States at the time of or subsequent to the theft.

(3) A person who violates subsection (a) under the circumstances set out in this subsection (b), shall, as a condition of probation, judicial diversion or as part of the sentence imposed, be required to perform

debris removal, clean-up, restoration, or other necessary physical labor at the location of the disaster or emergency for a period of not less than thirty (30) days nor more than the maximum sentence authorized for the class of theft committed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.