

SENATE BILL 404

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4, relative to the offense of endangering a child through the unlawful manufacture of methamphetamine.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

(a) As used in this section, a "child" is an individual younger than fourteen (14) years of age.

(b) It is an offense for a person to knowingly and unlawfully manufacture, attempt to manufacture, or initiate the process of manufacturing, methamphetamine in a residence where a child is found or within two hundred feet (200') of a residence where a child is found.

(c) A violation of subsection (b) is a specific and separate offense which shall be pled in a separate count of the indictment and tried before the same jury as the underlying charge of manufacture of a controlled substance as prohibited by § 39-17-417, attempt to manufacture a controlled substance, or initiation of a process intended to result in the manufacture of methamphetamine as prohibited by § 39-17-435.

(d) A violation of this section is a Class C felony with a mandatory minimum sentence of six (6) years.

(e) Any sentence imposed for a violation of subsection (b) shall be served consecutively to any sentence the person is serving at the time of the offense or is sentenced to serve for conviction of the underlying offense.

(f) In addition to any other penalty imposed by this section, a person convicted of violating subsection (b) shall be subject to a fine of not less than two thousand dollars (\$2,000) nor more than one hundred thousand dollars (\$100,000).

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.