

Amendment No. 2 to HB2270

Akbari
Signature of Sponsor

AMEND Senate Bill No. 1929*

House Bill No. 2270

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

SECTION 1. Tennessee Code Annotated, Section 39-14-903, is amended by adding the following as new subsections:

(d)

(1) It is an offense for a business or other enterprise to knowingly use property, assets, funds, or accounts with intent to obtain, purchase, display, sell, conceal, commingle, or transport criminal proceeds. It is an offense for a business or other enterprise to knowingly use property, assets, funds, or accounts with intent to commit or facilitate any violation of title 71, chapter 5, part 25.

(2) A violation of subdivision (d)(1) is Class E felony punishable only by a fine of five thousand dollars (\$5,000) and the forfeiture of assets as herein provided.

(e)

(1) It is an offense for a business or other enterprise to knowingly use on five (5) or more separate occasions property, assets, funds, or accounts with intent to obtain, purchase, display, sell, conceal, commingle, or transport criminal proceeds. It is an offense for an individual or business to knowingly use on five (5) or more separate occasions property, assets, funds, or accounts with intent to commit or facilitate any violation of title 71, chapter 5, part 25.

(2) A violation of subdivision (e)(1) is a Class B felony.

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(f) All records of a business or enterprise that is in violation of subsection (d) or (e) wherever located shall be obtainable by search warrant or judicial subpoena. The remedies made available under chapter 12, part 2 of this title are hereby made remedies for violations of this section.

(g) All assets and proceeds used in violation of or to facilitate a violation of subsections (d) or (e) shall be subject to seizure and forfeiture. Forfeiture proceedings shall be conducted in accordance with chapter 11, part 7 of this title. Any court having criminal jurisdiction to conduct a preliminary hearing or trial of the criminal offense is empowered to order forfeiture as herein provided.

(h) As used in subsections (d) and (e):

(1) "Criminal proceeds" means items made illegal to possess or sell under chapters 14 or 17 of this title or anything of value obtained from a violation of title 71, chapter 5, part 25; and

(2) "Enterprise" means two (2) or more individuals acting in accord, agreement or in conspiracy to violate any criminal statute.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to acts occurring on or after such date.