

Amendment No. 1 to HB0744

Lamberth
Signature of Sponsor

AMEND Senate Bill No. 699*

House Bill No. 744

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

SECTION 1. Tennessee Code Annotated, Section 55-10-402(a)(3), is amended by adding the following as a new, appropriately designated subdivision:

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(i) In addition to the sentencing requirements of subdivisions (a)(3)(A) and (a)(3)(B), any person convicted of violating § 55-10-401, when all convictions were the result of consuming alcohol or beer, shall, upon conviction for a third offense, be prohibited from purchasing alcohol or beer, pursuant to Section 3. Based on the factors set forth in subdivision (ii), the sentencing judge shall determine the length of the alcohol prohibition from between five (5) and fifteen (15) years. The court in which the conviction is entered shall enter the number of years for which the person is prohibited from purchasing alcohol, enter the number on the judgment of conviction, and forward a copy of the judgment to the department of safety.

(ii) In determining the length of the alcohol prohibition, the judge shall consider:

(a) The facts surrounding the arrest, including whether the offenses occurred in high-traffic or high-pedestrian areas, the person's speed at the time of the offenses, if known, and such

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other factors as might indicate the level of risk the person is to the public;

(b) Whether injury or property damage resulted from the person's offenses;

(c) The person's overall history of alcohol abuse;

(d) The person's willingness to accept treatment and the person's past attempts at treatment; and

(e) Any other factor that would enable the judge to make a determination that would best protect the public.

SECTION 2. Tennessee Code Annotated, Section 55-10-402(a)(4), is amended by redesignating the current subdivision as subdivision (a)(4)(A) and adding the following subsequent subdivision:

(B) In addition to the sentencing requirements of subdivision (a)(4)(A), any person convicted of violating § 55-10-401 when all convictions were the result of consuming alcohol or beer, shall, upon conviction for a fourth or subsequent offense, be prohibited from purchasing alcohol or beer, pursuant to Section 3. Based on the factors set forth in subdivision (ii) of Section 1 of this act, the sentencing judge shall determine the length of the alcohol prohibition from between ten (10) and thirty (30) years. The court in which the conviction is entered shall enter the number of years for which the person is prohibited from purchasing alcohol, enter the number on the judgment of conviction, and forward a copy of the judgment to the department of safety.

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

(a) Notwithstanding § 40-35-111, any person convicted of violating § 55-10-401 for a third or subsequent offense shall be prohibited from purchasing alcohol or alcoholic beverages, including intoxicating liquors, wine, and beer for the period of time determined by the judge and entered on the judgment of conviction document.

(b) If the person is granted a state-issued photo identification license or a driver license, with or without restrictions, the identification card or license shall indicate that the person is prohibited from purchasing alcohol with the words "NO ALCOHOL SALES".

(c) Any cost the department of safety incurs in processing, producing, and issuing an identification card or license with the indicator required by subsection (b) or otherwise implementing this section shall be paid by the offenders to whom the identification cards or licenses are issued in the form of an issuance fee. The department shall determine the amount of the fee by rule, but the fee shall not exceed the cost of implementing this section.

SECTION 4. This act shall take effect January 1, 2016, the public welfare requiring it.