

Amendment No. 2 to HB1479

Lamberth
Signature of Sponsor

AMEND Senate Bill No. 1558

House Bill No. 1479*

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

SECTION 1. Tennessee Code Annotated, Section 40-35-121, is amended by deleting subdivision (a)(1)(A), and substituting instead the following:

(A) As one (1) of its primary activities, the commission of criminal gang offenses;

SECTION 2. Tennessee Code Annotated, Section 40-35-121, is further amended by deleting subsection (b) and substituting instead the following:

(b) A criminal gang offense committed by a defendant shall be punished one (1) classification higher than the classification established by the specific statute creating the offense committed if:

(1) The defendant was a criminal gang member at the time of the offense; and

(2) The criminal gang offense was committed at the direction of, in association with, or for the benefit of the defendant's criminal gang or a member of the defendant's criminal gang.

SECTION 3. Tennessee Code Annotated, Section 40-35-121, is further amended by deleting subsection (e) and substituting instead the following:

(e) A criminal gang offense committed by a defendant shall be punished two (2) classifications higher than the classification established by the specific statute creating the offense committed if, at the time the offense was committed:

(1) The defendant was a criminal gang member;

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(2) The defendant was also a leader or organizer of the criminal gang;
and

(3) The offense was at the direction of, in association with, or for the benefit of the defendant's criminal gang or a member of the defendant's criminal gang.

SECTION 4. Tennessee Code Annotated, Section 40-7-103, is amended by deleting subdivisions (a)(1)-(a)(4), renumbering accordingly, and substituting instead the following:

(1) For a criminal offense committed or a breach of the peace threatened, whether in the officer's presence or not;

(2) When a criminal offense has in fact been committed, and the officer has reasonable cause for believing the person arrested has committed the offense;

(3) On a charge made, upon reasonable cause, of the commission of a criminal offense by the person arrested;

SECTION 5. Tennessee Code Annotated, Section 40-7-117, is amended by deleting the first sentence of the section and substituting instead the following:

A law enforcement officer may arrest without warrant any person the officer has probable cause to believe has committed theft of property in a retail or wholesale establishment.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.