

Amendment No. 1 to SB2444

Overbey
Signature of Sponsor

AMEND Senate Bill No. 2444

House Bill No. 2098*

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118, is amended by adding the following as a new subsection:

(h)

(1) In addition to the special conditions the court may impose under subdivision (d)(2), the court shall condition any bond or pretrial release for a defendant charged with an offense listed in subdivision (h)(B)(2) upon use of a transdermal monitoring device or other alternative alcohol monitoring device to insure sobriety. Except as provided in this subdivision (h)(1), the defendant is responsible for all costs associated with the lease, purchase, maintenance, and monitoring of the device ordered. However, if the person is found by the court to be indigent, the court may order that all or any portion of the cost, fees, and expenses of the required transdermal monitoring device or other alternative alcohol monitoring device, required by this subsection (h) be paid out of the DUI monitoring fund established by § 55-10-419. No more than two hundred dollars (\$200) per month shall be expended from the fund to pay the costs associated with an indigent person's use of a transdermal monitoring device or other alternative alcohol monitoring device as a condition of release on bail.

(2) Subdivision (h)(1) shall apply to any person who:

(A) Is charged with a violation of § 55-10-401, and has one (1) or more prior convictions for a violation of § 55-10-401 within the last five (5)

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years or an offense listed in subdivision (h)(2)(B), at any time in the past;
or

(B) Is charged with a violation of § 39-13-106, § 39-13-115, § 39-13-213(a)(2), or § 39-13-218.

(3) At the time of admission to bail, the judge shall establish as a condition of release on bail a period of time commencing with the defendant's admission to bail and ending upon disposition of the offense with which the defendant is charged, during which time the person shall maintain total abstinence from the use of alcohol, illicit substances, and drugs that were not legally prescribed.

(4) To enforce subdivision (h)(3), the person shall be required to wear a transdermal monitoring device, transdermal patch, or other alternative alcohol monitoring device during the entire period of sobriety determined by the judge. If a person's transdermal monitoring device detects illegal drug use or that the alcohol concentration in the defendant's blood is more than two-hundredths of one percent (0.02%), the person monitoring the transdermal device shall immediately notify the court that granted the bond of the test results. Within twenty-four (24) hours, the court shall review the sobriety test results and may:

(A) Declare the defendant's bail forfeited, pursuant to § 40-11-139;

(B) Revoke and terminate the defendant's bond and order the defendant held without bail pending trial or without release during trial, pursuant to § 40-11-141; or

(C) Impose a change in bail or additional conditions of bond, pursuant to § 40-11-143, which may include the continued use of a transdermal monitoring device.

(5) This subsection (h) constitutes the TN Sobriety program.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to persons admitted to bail for applicable offenses on or after that date.