

Amendment No. 2 to SB1558

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1558

House Bill No. 1479*

by inserting the following new sections immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION 2. 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 3. Tennessee Code Annotated, Section 40-35-121, is 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 4. Tennessee Code Annotated, Section 40-35-121, is 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.