

SENATE BILL 1278

By Norris

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to the reckless discharge of a
firearm.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b)(3), is amended by deleting the subdivision and substituting instead the following:

(3) Reckless endangerment is a Class C felony if committed by discharging a firearm:

(A) Into a group of five (5) or more people;

(B) Into a habitation, as defined under § 39-14-401, unless the habitation was unoccupied at the time of the offense, in which event it is a Class D felony;

(C) From within a motor vehicle, as defined by § 55-1-103; or

(D) Into a motor vehicle, as defined by § 55-1-103;

SECTION 2. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following language as a new subsection (c):

Each person who was endangered by a violation of subdivision (b)(3) constitutes a separate offense.

SECTION 3. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following language as a new subsection (d):

(1) At the sentencing hearing of a person convicted of violating subdivision (b)(3), the state may offer evidence showing that the violation of subdivision (b)(3) was also an act of community terrorism as defined in subdivision (d)(2). If the court finds that the act resulting in the conviction also constituted an act of community terrorism, then

the court shall punish the person one (1) classification higher than the classification established for the offense for which the person was convicted.

(2) As used in this subsection (d), “community terrorism” means any act involving crimes, such as those in subdivision (b)(3), against a population within the same geographic territory by members of a criminal gang, as defined by § 40-35-121(a), that regularly engages in gang related conduct, defined by § 29-3-101(a)(2)(B), or has a pattern of criminal gang activity, as defined by § 40-35-121(a).

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it.