

Amendment No. 1 to HB2517

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2734

House Bill No. 2517*

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

SECTION 1. Tennessee Code Annotated, Section 39-17-432(a), is amended by deleting the language "and mandatory minimum sentences required" and substituting instead "sentences authorized".

SECTION 2. Tennessee Code Annotated, Section 39-17-432(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) A violation of § 39-17-417, or a conspiracy to violate the section, may be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) if the violation or the conspiracy to violate the section occurs:

(A) On the grounds or facilities of any school; or

(B) Within five hundred feet (500') of or within the area bounded by a divided federal highway, whichever is less, the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, public library, recreational center, or park.

SECTION 3. Tennessee Code Annotated, Section 39-17-432(b)(2), is amended by deleting the language "shall also be" and substituting instead "may also be".

SECTION 4. Tennessee Code Annotated, Section 39-17-432(b)(3), is amended by deleting the language "but shall be subject to" and substituting instead "but may be subject to".

SECTION 5. Tennessee Code Annotated, Section 39-17-432, is amended by deleting subsections (c), (d), (e), and (f).

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SECTION 6. Tennessee Code Annotated, Section 49-2-116(c), is amended by deleting the subsection and substituting instead the following:

(c) A school safety zone is the territory extending five hundred feet (500') from school property or within the area bounded by a divided federal highway, whichever is less.

SECTION 7. Tennessee Code Annotated, Section 49-2-116(d), is amended by deleting the subsection and substituting instead the following:

(d) The director of schools, with the approval of the board of education, may develop a method of marking school safety zones, including the use of signs. Signs or other markings shall be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends five hundred feet (500') from school property or within the area bounded by a divided federal highway, whichever is less, and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone may subject the offender to an enhanced punishment. The state board of education shall assist the LEA in complying with the posting provisions of this subsection (d).

SECTION 8. Tennessee Code Annotated, Section 39-17-432, is amended by deleting subsection (g) and substituting instead the following:

(g) The sentence of a defendant who, as the result of a single act, violates both subsection (b) and § 39-17-417(k), may be enhanced under both subsection (b) and § 39-17-417(k) for each act. The state may elect to seek enhancement of the defendant's

sentence under subsection (b), § 39-17-417(k), or both, and shall provide notice of the election pursuant to § 40-35-202.

SECTION 9. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.