

Amendment No. 1 to HB1558

Curcio
Signature of Sponsor

AMEND Senate Bill No. 1605

House Bill No. 1558*

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

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subdivision (a)(3) and substituting instead the following:

(A) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine, or beer on the property if the owner, occupant, or other person knows that the person consuming is a minor;

(B) It is an affirmative defense to prosecution under subdivision (a)(3)(A) that the defendant acted upon a reasonably held belief that the minor was twenty-one (21) years of age or older;

(C) Subdivision (a)(3)(A) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor as permitted by § 1-3-113(b)(2); and

(D) This subdivision (a)(3) does not affect:

(i) Standards for imposing civil liability pursuant to §§ 57-10-101 and 57-10-102;

(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in § 37-1-102(b); or

(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations.

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SECTION 2. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subsection (d) and substituting instead the following:

(d) A violation of subsection (a) is a Class A misdemeanor with a mandatory minimum fine of one thousand dollars (\$1,000), and in addition to the penalties authorized by § 40-35-111, the offender shall be sentenced to one hundred (100) hours of community service work. In addition to the penalties established in this subsection (d), the court having jurisdiction over the offender may, in its discretion, prepare and send an order for denial of the offender's driving privileges to the department of safety, driver control division. The offender may apply to the court for a restricted driver license, which may be issued in accordance with § 55-50-502. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, increase the offender's sentence to a maximum of two hundred (200) hours of community service work.

SECTION 3. Tennessee Code Annotated, Section 40-32-101(g)(1)(B), is amended by deleting subdivision (xix) and substituting instead the following:

(xix) Section 39-15-404 — Allowing a minor to consume alcohol on person's premises;

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.