

Amendment No. 1 to HB2539

Curcio  
Signature of Sponsor

AMEND Senate Bill No. 2452

House Bill No. 2539\*

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following language as a new subsection:

(i)

(1) When sentencing a criminal defendant, a general sessions court may direct the defendant to make restitution to the victim of the offense as a condition of probation, or enter an order of restitution awarding a civil judgment of restitution to the victim of the offense. The victim of the offense may choose to receive restitution in the form of a civil judgment or in payments or performance by the defendant as a condition of probation.

(2) If the victim chooses to receive restitution in the form of a civil judgment, then the court shall enter a civil order for restitution, if appropriate.

The civil order for restitution:

(A) Is entitled to be enforced the same as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state; and

(B) Is a final civil judgment at the time of entry and remains in effect from the date of entry until the judgment is paid in full or is otherwise discharged.

(3) If the victim chooses to receive restitution as a condition of the defendant's probation and, upon expiration of the time of payment or the payment schedule imposed pursuant to subsection (c) or (g), any portion of the

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restitution remains unpaid, then the victim or the victim's beneficiary may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in subsection (h).

SECTION 2. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (d) and substituting instead the following:

(d) In determining the amount and method of payment or other restitution, the court may consider the financial resources and future ability of the defendant to pay or perform.

SECTION 3. This act shall take effect October 1, 2020, the public welfare requiring it.