

Amendment No. 1 to HB1704

Curcio  
Signature of Sponsor

**AMEND Senate Bill No. 2396**

**House Bill No. 1704\***

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new section:

(a) A person commits assault against a law enforcement officer, public or private probation officer, parole officer, or community corrections officer who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a law enforcement officer, public or private probation officer, parole officer, or community corrections officer who is discharging or attempting to discharge their official duties, or because of the victim's status as a law enforcement officer, public or private probation officer, parole officer, or community corrections officer;

or

(2) Intentionally or knowingly causes physical contact with a law enforcement officer, public or private probation officer, parole officer, or community corrections officer who is discharging or attempting to discharge their official duties, or because of the victim's status as a law enforcement officer, public or private probation officer, parole officer, or community corrections officer, and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a law enforcement officer, public or private probation officer, parole officer, or community corrections officer.

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(b) Assault under subsection (a) is a Class E felony and shall include a mandatory minimum fine of one thousand dollars (\$1,000), and a mandatory minimum sentence of thirty (30) days incarceration. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

(c) An inmate commits assault against a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who:

(1) Intentionally, knowingly, or recklessly causes bodily injury to a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who is discharging or attempting to discharge their official duties, or because of the victim's status as a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse; or

(2) Intentionally or knowingly causes physical contact with a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who is discharging or attempting to discharge their official duties, or because of the victim's status as a correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse, and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to,

spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of the correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse.

(d) Assault under subsection (c) is a Class E felony and shall include a mandatory minimum fine of one thousand dollars (\$1,000), and a mandatory minimum sentence of thirty (30) days of incarceration, to be served consecutive to any current sentence unless the district attorney general agrees to a concurrent sentence. The court shall order collection of the fine, or a portion of the fine if the full amount is unavailable, from the inmate's trust fund account pursuant to § 40-25-143. The court shall not order collection in an amount that would result in a balance of less than fifty dollars (\$50.00) in the inmate's trust fund account. The defendant shall not be eligible for release from confinement on probation pursuant to § 40-35-303 until the defendant has served the entire thirty-day mandatory minimum sentence day for day.

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1), is amended by adding the following language as a new subdivision:

( ) A person convicted of a violation of subsection (a) or (c) committed against a law enforcement officer, public or private probation officer, parole officer, community corrections officer, correctional officer, guard, jailer, or other full-time employee of a penal institution, private detention facility, local jail, or workhouse who is discharging or attempting to discharge their official duties shall be punished one (1) classification higher than is otherwise provided.

SECTION 3. Tennessee Code Annotated, Section 39-13-102(e)(1)(B), is amended by inserting the language "the minimum fine shall be one thousand dollars (\$1,000), if the court determines the defendant has the ability to pay the fine, and" immediately after the language "However,".

SECTION 4. This act shall take effect January 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.