

SENATE BILL 1163

By Hensley

AN ACT to amend Tennessee Code Annotated, Section 39-13-113, relative to criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-113, is amended by deleting subsection (a) and substituting instead the following:

(a) It is an offense to knowingly violate:

- (1) An order of protection issued pursuant to title 36, chapter 3, part 6;
- (2) A restraining order issued to a victim as defined in § 36-3-601; or
- (3) A no contact order, issued prior to a defendant's release on bond,

following the defendant's arrest for any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a domestic abuse victim as defined in § 36-3-601.

SECTION 2. Tennessee Code Annotated, Section 39-13-113, is amended by deleting subsection (e) and substituting instead the following:

(e) Neither an arrest nor the issuance of a warrant or capias for a violation of this section shall in any way affect the validity or enforceability of any order of protection, restraining order, or no contact order, as described in subdivision (a)(3).

SECTION 3. Tennessee Code Annotated, Section 39-13-113, is amended by deleting subsection (f) and substituting instead the following:

(f) In order to constitute a violation of this section:

(1) The person must have received notice of the request for an order of protection, restraining order, or no contact order, pursuant to any bond conditions, as described in subdivision (a)(3);

(2) The person must have had an opportunity to appear and be heard in connection with the order of protection, restraining order, or no contact order, pursuant to any bond conditions, as described in subdivision (a)(3); and

(3) The court must make specific findings of fact in the order of protection, restraining order, or no contact order, pursuant to any bond conditions, as described in subdivision (a)(3), that the person committed domestic abuse, sexual assault, or stalking as defined in § 36-3-601.

SECTION 4. This act shall take effect July, 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.