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House Bill _____
By

Senate Bill No.SB0380
By Haun

AN ACT to amend Tennessee Code Annotated, Sections
39-14-403, 39-14-406, 39-14-408, 39-14-412, 39-17-309,
39-17-311, and 46-2-105, relative to public caning.

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

SECTION 1. Tennessee Code Annotated, Sections 39-14-403(b), 39-14-406(c), 39-14-408(c), 39-14-412(c), 39-17-311(b) and 46-2-105(b) are amended by adding the following language as a new sentence:

In addition to the punishment established for a violation of this section, such offense shall also be punished by public caning in accordance with the provisions of Section 3 of this act.

SECTION 2. Tennessee Code Annotated, Section 39-17-309, is amended by inserting the following language at the end of subsection (d):

In addition to the punishment established for a violation of subsection (b), subdivision (3) or (4), such offense shall also be punished by public caning in accordance with the provisions of Section 3 of this act.

SECTION 3. (a) A defendant convicted of a misdemeanor for which a sentence of public caning is imposed shall be flogged with a cane not less than one (1) nor more than four (4) times.

(b) A defendant convicted of a felony for which a sentence of public caning is imposed shall be flogged with a cane not less than five (5) nor more than fifteen (15) times.

(c) The severity of the flogging shall be commensurate with the severity of the criminal act for which the defendant was convicted.

(d) The public caning shall be carried out by the sheriff of the county in which the criminal act was committed or a person designated by the sheriff to carry out such punishment. Punishment shall be imposed on the court house steps in the county in which the criminal act was committed.

(e) The Tennessee Supreme Court shall, by rule, establish procedures to be followed in carrying out the punishment of public caning.

SECTION 9. This act shall take effect July 1, 1995, the public welfare requiring it.