

Filed for intro on 02/16/95  
House Bill \_\_\_\_\_  
By  
\_\_\_\_\_

Senate No. SB1758  
By Miller

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to enhanced punishment for certain criminal defendants.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-202, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) If the district attorney general believes that a defendant should be sentenced as a multiple, persistent or career offender, he shall file a statement thereof with the court and defense counsel not less than ten (10) days before trial or acceptance of a guilty plea; provided, that notice may be waived by the defendant in writing with the consent of the district attorney general and the court accepting the plea. Such statement, which shall not be made known to the jury determining the guilt or innocence of the defendant on the primary offense, must set forth the nature of the prior felony convictions or adjudications of delinquency for acts committed by a juvenile which would have constituted a felony if committed by an adult, the dates of the convictions or adjudications and the identity of the courts of the convictions or adjudications. The original or certified copy of the court record of any prior felony conviction or adjudication

of delinquency, bearing the same name as that by which the defendant is charged in the primary offense, is prima facie evidence that the defendant named therein is the same as the defendant before the court, and is prima facie evidence of the facts set out therein.

SECTION 2. Tennessee Code Annotated, Sections 40-35-106, 40-35-107 and 40-35-108, are amended by deleting subsection (b)(3) of each such section in its entirety.

SECTION 3. This act shall take effect July 1, 1995, the public welfare requiring it.

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