House Criminal Justice Subcommittee Am. #1

Amendment No._____

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Clerk _____
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Signature of Sponsor

AMEND Senate Bill No. 2133* **House Bill No. 2520**

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 2, is amended by adding the following as a new section:

(a) As used in this section, "sterilization" means the process of rendering an individual incapable of sexual reproduction by castration, vasectomy, salpingectomy, or some other procedure and includes endoscopic techniques for female sterilization that can be performed outside of a hospital without general anesthesia such as culdoscopic, hysteroscopic, and laparoscopic sterilization.

(b) No guilty plea agreement or plea of nolo contendere shall be accepted by the court nor shall any criminal sentence be imposed by a judge if any part of the plea or sentence is in whole or in part conditioned or based upon the criminal defendant submitting to any form of temporary or permanent birth control, sterilization, or family planning services, regardless of whether the defendant's consent is voluntarily given.

(c) A sentencing court shall not make a sentencing determination that is based in whole or in part on the defendant's consent or refusal to consent to any form of temporary or permanent birth control, sterilization, or family planning services, regardless of whether the defendant's consent is voluntarily given.

(d) This section shall not apply to the provision of educational services on the matters of temporary or permanent birth control, sterilization, or family planning services.

SECTION 2. Tennessee Code Annotated, Section 40-35-302, is amended by adding the following as a new subsection:

( )

(1) As used in this subsection, "sterilization" means the process of rendering an individual incapable of sexual reproduction by castration, vasectomy, salpingectomy, or some other procedure and includes endoscopic techniques for female sterilization that can be performed outside of a hospital without general anesthesia such as culdoscopic, hysteroscopic, and laparoscopic sterilization.

(2) A sentencing court shall not make a sentencing determination that is based in whole or in part on the defendant's consent or refusal to consent to any form of temporary or permanent birth control, sterilization, or family planning services, regardless of whether the defendant's consent is voluntarily given.

(3) This subsection shall not apply to the provision of educational services on the matters of temporary or permanent birth control, sterilization, or family planning services.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any plea agreement or plea of nolo contendere entered into or sentencing determination made on or after the effective date.