

HOUSE BILL 309

By Parkinson

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 11, relative to bail.

WHEREAS, the General Assembly determines that there has been an increase in crime due to firearms in certain municipalities, therefore law enforcement officers and prosecutors need additional means to maintain the public safety; and

WHEREAS, the increase in crime due to firearms is not due to law abiding citizens who are legally permitted to carry weapons under Tennessee law; and

WHEREAS, laws restricting the use of firearms should be narrowly focused on those who abuse the right to bear arms guaranteed by the Second Amendment of the United States Constitution and the Constitution of Tennessee; and

WHEREAS, many crimes have been committed by persons illegally in possession of firearms and they pose a real and present danger to people living in high crime areas; and

WHEREAS, these individuals responsible for the increase in crime are repeat offenders and when charged with firearms offenses, have been released on bail pending disposition of such charges; when these individuals are released on bail they continue to pose a threat to society; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following new subsection (c):

(c)

(1) In addition to the conditions set out in subsection (b), a magistrate may impose one (1) or more of the restrictions listed in subdivision (c)(2) if the county or municipality in which the magistrate presides determines by resolution

of its legislative body that the public safety requires such conditions of release. The determination must be made by way of resolution by the legislative body of the county or municipality and must be certified by the chief law enforcement officer. The determination shall be re-certified by the chief law enforcement officer every thirty (30) days. The determination shall expire six (6) months from its passage, but may be renewed by the county or municipality pursuant to the procedure set out in this subdivision (c)(1).

(2) The additional conditions that may be imposed pursuant to subdivision (c)(1) are following:

(A) That the defendant, while on release, appear at a reporting agency, public or private, that has the authority and ability to ensure that the defendant is compliant with all terms of the defendant's conditions of release;

(B) That the defendant undergo drug screening at prescribed intervals;

(C) That the defendant reside only in certain locations;

(D) That the defendant refrain from being in possession of any firearms or ammunition;

(E) That the defendant refrain from knowingly being in the presence of individuals who are charged with or have been convicted of offenses involving the possession or use of firearms;

(F) That the defendant be required to appear before a judge or magistrate, with no pre-trial release;

(G) That the defendant may not be released until the firearm, if any, used in the commission of the offense for which the defendant is charged, is found; and

(H) That monitoring devices be used to track the defendant while on release.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.