

39-13-218. Aggravated vehicular homicide.

(a) Aggravated vehicular homicide is vehicular homicide, as defined in § 39-13-213(a)(2), where:

(1) The defendant has **two (2) or more prior convictions** for:

(A) **Driving under the influence** of an intoxicant or boating under the influence, as defined in § 69-9-217(a);

(B) **Vehicular assault**; **or**

(C) Any **combination of such offenses**;

(2) The defendant has one (1) or more prior convictions for the offense of vehicular homicide; **or**

(3) There was, at the time of the offense, twenty-hundredths of one percent (**0.20%**), or more, by weight of alcohol in the defendant's **blood and** the defendant has one (1) **prior conviction** for:

(A) **Driving under the influence** of an intoxicant or boating under the influence, as defined in § 69-9-217(a); **or**

(B) **Vehicular assault**.

(b)

(1) As used in this section, unless the context otherwise requires, "prior conviction" means an offense for which the defendant was convicted prior to the commission of the instant vehicular homicide and includes convictions occurring prior to July 1, 1996.

(2) "Prior conviction" includes convictions under the laws of any other state, government, or country that, if committed in this state, would have constituted one (1) of the three (3) offenses enumerated in subdivision (a)(1) or (a)(2). In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as one (1) of the three (3) offenses enumerated in subdivision (a)(1) or (a)(2), the **elements** of the offense in the other jurisdiction shall be used by the Tennessee court to determine if the offense constitutes one (1) of the prior convictions required by subsection (a).

(c) If the defendant is charged with aggravated vehicular homicide, the **indictment, in a separate count, shall specify, charge and give notice of the required prior conviction or convictions**. If the defendant is convicted of vehicular homicide under § 39-13-213(a)(2), the jury shall then separately consider whether the defendant has the requisite number and types of prior offenses or

level of blood alcohol concentration necessary to constitute the offense of aggravated vehicular homicide. If the jury convicts the defendant of aggravated vehicular homicide, the court shall pronounce judgment and sentence the defendant from within the felony classification set out in subsection (d).

(d) Aggravated vehicular homicide is a **Class A felony**.

Upon conviction, the defendant will be locked up for at least 15 years.