

State of Tennessee

PUBLIC CHAPTER NO. 440

SENATE BILL NO. 213

By Johnson, Bowling, Gardenhire, Haile, Lowe; Mr. Speaker McNally; Pody, Roberts, Rose, Taylor, White

Substituted for: House Bill No. 248

By McCalmon, Lamberth, Davis, Doggett, Moody, Carringer, Sherrell, Hardaway, Gant, Russell, Burkhart, Whitson, Greg Martin, Capley, Littleton, Moon, Reedy, Haston, White, Helton-Haynes

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to criminal offenses against persons.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following new subsection:

(f) A person convicted of a violation of this section involving strangulation or attempted strangulation shall be punished by a mandatory minimum sentence of thirty (30) days incarceration, which includes participation in programming that is evidence-based for domestic violence.

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by adding the following new subsection:

(f) A violation of subdivision (a)(1)(A)(iv), in which the victim of the offense loses consciousness due to strangulation, may be prosecuted as attempted first degree murder, under § 39-13-202, or attempted second degree murder, under § 39-13-210.

SECTION 3. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (e)(1)(A)(ii) and substituting instead:

(ii)(a) Except as provided in subdivision (e)(1)(A)(ii)(b), subdivision (a)(1)(A)(i), (iii), or (iv) is a Class C felony; and

(b) If the victim is pregnant at the time of the offense, subdivision (a)(1)(A)(iv) is a Class B felony;

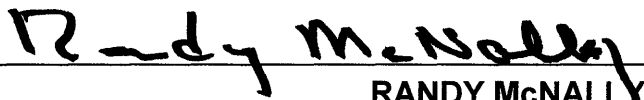
SECTION 4. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following new subsection:

(d) A defendant charged with a violation of § 39-13-102 or § 39-13-116 that involves strangulation of the victim shall not be released on the defendant's personal recognizance or upon execution of an unsecured bond. The magistrate must require the defendant to post bail to reasonably ensure the appearance of the person as required and the safety of the community, in addition to any other conditions of release imposed.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.

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PASSED: April 21, 2023



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of May 2023



BILL LEE, GOVERNOR