

Amendment No. 1 to HB1872

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 2770

House Bill No. 1872*

by deleting all language after the caption and substituting:

WHEREAS, lawless conditions resulting from a failed border policy at the southern United States border increase the risk of drug and human trafficking in Tennessee; and

WHEREAS, enhancing the penalty for a crime will reduce the frequency of that crime occurring; and

WHEREAS, human and drug trafficking breed violent crime; and

WHEREAS, public safety is improved by reducing the frequency of violent crime; and

WHEREAS, fentanyl is primarily introduced to our State from the southern United States border; and

WHEREAS, deterring those persons coming across our southern border intent on perpetrating these kinds of crimes from coming into Tennessee makes everyone in our State safer; and

WHEREAS, our schools must be places of learning that are unencumbered by concerns about being safe from violent crime; and

WHEREAS, we should make laws and take actions that protect our schools from violent crime; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 3, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Deadly weapon" has the same meaning as defined in § 39-11-106;

(2) "Illegal alien" means a person who is illegally or unlawfully in the United States;

(3) "School" means a public or private elementary school, middle school, or high school; and

(4) "Violent crime" has the same meaning as defined in § 40-38-111(g); provided, that the offense is a felony.

(b) Notwithstanding another law to the contrary, and in addition to the enhancement factors prescribed under § 40-35-114, a court may enhance the statutory penalty up to imprisonment for life without the possibility of parole for a conviction under the following circumstances:

(1) The conviction is for the commission of a violent crime and the defendant was an illegal alien at the time the offense was committed;

(2) The conviction involves the use or display of a deadly weapon and the defendant was an illegal alien at the time the offense was committed; or

(3) The conviction is for the commission of a violent crime committed by an adult and the offense occurred on the property of a school while students or other children were present.

(c) An arrest and subsequent conviction to which the enhancement factors would apply under subdivision (b)(1) or (2) must be reported to the department of safety.

SECTION 2. Tennessee Code Annotated, Section 40-11-115, is amended by deleting subdivision (b)(7) and substituting:

(7) Any other factors indicating the defendant's ties to the community or bearing on the defendant's risk of willful failure to appear, including, but not limited to, whether the defendant is lawfully present in this state.

SECTION 3. Tennessee Code Annotated, Section 40-11-118, is amended by deleting subdivision (b)(9) and substituting:

(9) Any other factors indicating the defendant's ties to the community or bearing on the risk of the defendant's willful failure to appear, including, but not limited to, whether the defendant is lawfully present in this state.

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5. This act takes effect July 1, 2024, the public welfare requiring it, and applies to acts occurring on or after that date.