

HOUSE BILL 93

By Eldridge

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 7 and Title 40, Chapter 33, Part 1, relative to forfeiture.

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

SECTION 1. Tennessee Code Annotated, Section 40-33-101, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Except as provided in subsection (b), where there is a final judgment of conviction, in the discretion of the court, conveyances, including vehicles, aircraft or vessels, are subject to forfeiture if used in the commission of:

(1) Any offense under title 39, chapter 13, part 5;

(2) Any robbery offense under title 39, chapter 13, part 4;

(3) A burglary, aggravated burglary, or especially aggravated burglary offense under title 39, chapter 14, part 4; or

(4) A felony theft offense under title 39, chapter 14, part 1.

(b)

(1) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this part, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to any of the offenses listed in subdivisions (a)(2)-(4).

(2) No conveyance is subject to forfeiture under this part by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent; provided, that if the conveyance belongs to an automobile or truck rental company, the burden of

proof shall be on the state to prove that the automobile or truck rental company knew, or had reason to know, that the conveyance was or would be used in the commission of an offense for which this part provides for forfeiture of the conveyance.

(3) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission.

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