

HOUSE BILL 610

By Floyd

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 55 and Title 69, relative to drug and alcohol  
related offenses.

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

SECTION 1. Tennessee Code Annotated, Section 69-9-219(c)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(c)

(1) A violation of § 69-9-217(a) is a Class A misdemeanor.

(A) Upon a person's first conviction for a violation of § 69-9-217(a), the court shall:

(i) Impose a fine of not less than three hundred fifty dollars (\$350) nor more than two thousand five hundred dollars (\$2,500);

(ii) Order that the person be confined in the county jail or workhouse for not less than forty-eight (48) hours nor more than eleven (11) months and twenty-nine (29) days; and

(iii) Prohibit the person from operating any vessel subject to registration on the public waters of this state for a period of one (1) year.

(B) For a second conviction for a violation of § 69-9-217(a), the court shall:

(i) Impose a fine of not less than six hundred dollars (\$600) nor more than three thousand five hundred dollars (\$3,500);

(ii) Order that the person be confined in the county jail or workhouse for not less than forty-five (45) days nor more than eleven (11) months and twenty-nine (29) days; and

(iii) Prohibit the person from operating any vessel subject to registration on the public waters of the state for a period of two (2) years.

(C) For a third or subsequent conviction for a violation of § 69-9-217(a), the court shall:

(i) Impose a fine of not less than one thousand one hundred dollars (\$1,100) nor more than ten thousand dollars (\$10,000);

(ii) Order that the person be confined in the county jail or workhouse for not less than one hundred and twenty (120) days nor more than eleven (11) months and twenty-nine (29) days;

(iii) Prohibit the person from operating any vessel subject to registration on the public waters of the state for a period of not less than three (3) years nor more than ten (10) years.

(D) The provisions of subdivision (c)(1) shall apply if the conduct resulting in at least one (1) of the person's convictions for boating under the influence of an intoxicant occurred on or after July 1, 2011. If none of the violations resulting in the person's conviction for boating under the influence occurred on or after July 1, 2011, the law and penalties in effect when the violation occurred shall govern.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.