

HOUSE BILL 723

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, Part 4, relative to drug-free school  
zones.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-432, is amended by adding  
the following new subsection:

(h)

(1) It is an affirmative defense to a violation of subsection (b) that the  
offense occurred on the grounds or facilities of any school or within one thousand  
feet (1,000') of the real property that comprises a public or private elementary  
school, middle school, secondary school, preschool, child care agency, or public  
library, recreational center, or park if the law enforcement officer or agent of the  
law enforcement agency, including a confidential informant:

(A) Selected, requested, or suggested the location where the  
offense was committed; or

(B) Took other strategic actions to lure the defendant into  
committing the offense in a location described in subsection (b).

(2) If the defendant successfully asserts and proves the defense  
provided in this subsection (h), but is convicted of the underlying drug offense,  
the trial court shall sentence the defendant from within the appropriate range for  
the underlying drug offense under § 39-17-417.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.