

HOUSE BILL 734

By Hardaway

AN ACT to amend Tennessee Code Annotated, Section 39-17-418 and Section 40-7-118, relative to issuance of citation in lieu of arrest for simple possession of a controlled substance.

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

SECTION 1. Tennessee Code Annotated, Section 40-7-118(b), is amended by adding the following as a new subdivision:

(4) A peace officer shall issue a citation to the arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate if a person is arrested solely for the offense of simple possession, as prohibited by § 39-17-418, and the offense is a misdemeanor violation. This subdivision (b)(4) shall not apply if the officer determines, based on the arrested person's previous failure or failures to appear in court, that a reasonable likelihood exists that the arrested person will fail to appear in court.

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