

HOUSE BILL 1043

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to pretrial diversion.

WHEREAS, young people are sometimes prone to youthful indiscretion due to immaturity, and this indiscretion could lead to actions that may be detrimental to their futures; and

WHEREAS, a sentence of incarceration may expose a person who enters jail seeking rehabilitation instead to a criminal lifestyle, that results in a vicious cycle of crime and punishment; and

WHEREAS, the incarceration of young people who might otherwise be beginning productive lives may harm the states in which these citizens live by preventing them from pursuing such productive endeavors as higher education or entering the workforce; and

WHEREAS, each state has a direct financial interest in reducing the number of citizens confined in its prisons without allowing dangerous and hardened criminals to return to the streets; and

WHEREAS, the results of a criminal conviction, whether incarceration results or not, has devastating and far-reaching consequences, including the inability of the person to ever obtain meaningful employment; and

WHEREAS, serving in the armed forces of the United States is a noble and character-building pursuit of which any citizen should be proud; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 40-15-105(a)(2), is amended by adding the following as a new, appropriately designated subdivision:

( ) That the defendant, who is twenty-one (21) years of age or younger and eligible for military service, enlist in and remain a member on active duty of one (1) of the branches of the United States Armed Forces;

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to prosecution for any crime committed on or after such date.