

HOUSE BILL 1321

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 40, Chapter 35, relative to reckless endangerment.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-103(a), is amended by deleting the subsection and substituting instead the following:

(a) A person commits an offense who, either individually or in concert with another person, recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.

SECTION 2. Tennessee Code Annotated, Section 39-13-103(b)(2), is amended by deleting the subdivision and substituting instead the following:

(2) Reckless endangerment committed with a deadly weapon, which includes, but is not limited to, a motor vehicle, is a Class E felony.

SECTION 3. Tennessee Code Annotated, Section 39-13-103(b), is amended by redesignating the existing subdivision (4) as subdivision (5), and adding the following as a new subdivision (4):

(4)

(A) Reckless endangerment under the circumstances set out in subdivision (b)(4)(C) is a Class C felony which includes, in addition to any period of confinement:

(i) Revocation of the person's driver license for a period of five (5) years from the date of conviction, if the person had a valid driver license on the date of conviction for the offense; or

(ii) A prohibition against the department issuing a driver license to the person for a period of five (5) years from the date of conviction, if the person did not possess a valid driver license at the time of conviction for the offense.

(B)

(i) Upon ordering the revocation or prohibition of the person's driver license pursuant to subdivision (b)(4)(A), the court shall submit a copy of the conviction and an order for revocation or prohibition, whichever is applicable, to the department of safety.

(ii) Upon receipt of a conviction and an order for revocation of the person's driver license, the department shall revoke the person's driver license if the person had a valid driver license on the date of conviction. The driver license shall not be reinstated or issued until the five-year period following the date of conviction has expired. A person whose license was revoked or prohibited pursuant to subdivision (b)(4)(A) may apply to the department for reinstatement or issuance of the person's driver license after the five-year period following the date of conviction has expired.

(C) Subdivision (b)(4)(A) applies to reckless endangerment committed by discharging a firearm:

- (i) Into a group of two (2) or more people;
- (ii) From within a motor vehicle, as defined by § 55-1-103; or
- (iii) Into a motor vehicle.

SECTION 4. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision:

(6) In addition to the penalties authorized by this subsection (b), if the court finds that the act resulting in the conviction was committed with a deadly weapon, the court may require the person to complete an anger management program.

SECTION 5. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following language as a new subsection (c):

(1) At the sentencing hearing of a person convicted of violating subdivision (b)(2), the state may offer evidence showing that the violation of subdivision (b)(2) was an act of community terrorism as defined in subdivision (c)(3). If the court finds that the act resulting in the conviction constituted an act of community terrorism and that the person convicted threatened use of a firearm but did not actually display or use a firearm during the commission of the offense, then the court may punish the person one (1) classification higher than the classification established for the offense for which the person was convicted.

(2) At the sentencing hearing of a person convicted of violating subdivision (b)(3) or (b)(4)(B), the state may offer evidence showing that the violation of subdivision (b)(3) or (b)(4)(B) was an act of community terrorism as defined in subdivision (c)(3). If the court finds that the act resulting in the conviction constituted an act of community terrorism, then the court may punish the person two (2) classifications higher than the classification established for the offense for which the person was convicted.

(3) As used in this subsection (c), "community terrorism" means an offense committed against a population within a geographic territory by members of a criminal gang that regularly engages in gang-related conduct, as defined by § 29-3-101(a)(2)(B), or has a pattern of criminal gang activity, as defined in § 40-35-121(a), and the commission of the offense is gang-related.

SECTION 6. This act takes effect July 1, 2021, the public welfare requiring it.