

HOUSE BILL 1417

By Towns

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13 and Title 40, relative to criminal
offenses.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-102(e)(1)(A), is amended by deleting subdivisions (ii) and (iii) in their entireties and substituting instead the following:

(ii) Subdivision (a)(1)(A)(i), (ii), or (iv) is a Class C felony;

(iii) Subdivision (a)(1)(A)(iii) is a Class C felony, unless the offense is committed by discharging a firearm from within a motor vehicle, as defined in § 55-1-103, in which case aggravated assault is a Class B felony;

SECTION 2. Tennessee Code Annotated, Section 39-13-102(e)(1)(A), is further amended by deleting subdivisions (v) and (vi) in their entireties and substituting instead the following:

(v) Subdivision (a)(1)(B)(i) or (ii) is a Class D felony;

(vi) Subdivision (a)(1)(B)(iii) is a Class D felony, unless the offense is committed by discharging a firearm from within a motor vehicle, as defined in § 55-1-103, in which case aggravated assault is a Class C felony.

SECTION 3. Tennessee Code Annotated, Section 39-13-102(e), is amended by adding the following new subdivision:

(5)

(A) In addition to any other punishment authorized by this section, a court shall order the following for a person convicted of aggravated assault that is

committed by discharging a firearm from within a motor vehicle or conspiracy to commit the same offense:

- (i) Revocation of the defendant's driver license for a period of up to one (1) year, to begin following any period of confinement imposed;
- (ii) A fine of up to two (2) times the amount authorized for the punishment of aggravated assault; and
- (iii) The defendant to serve a mandatory sentence of up to one (1) year, which sentence must be served day for day.

(B) A second or subsequent violation described in subdivision (e)(5)(A) must be punished the same as a first violation, except that the motor vehicle used in the commission of the second or subsequent violation is subject to seizure and forfeiture under the same procedures used for the forfeiture of conveyances pursuant to title 40, chapter 33.

SECTION 4. Tennessee Code Annotated, Section 39-13-103(b)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

(3) Reckless endangerment is a Class C felony if committed by discharging a firearm:

- (A) Into a habitation, as defined in § 39-14-401, unless the habitation was unoccupied at the time of the offense, in which event it is a Class D felony; or
- (B) From within a motor vehicle, as defined in § 55-1-103.

SECTION 5. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following as new subsections:

- (c)
 - (1) In addition to any other punishment authorized by this section, a court shall order the following for a person convicted of reckless endangerment under the circumstances set out in subdivision (b)(3)(B) or conspiracy to commit the same offense:

(A) Revocation of the defendant's driver license for a period of up to one (1) year, to begin following any period of confinement imposed;

(B) A fine of up to two (2) times the amount authorized for the violation of this section; and

(C) The defendant to serve a mandatory sentence of up to one (1) year, which sentence must be served day for day.

(2) A second or subsequent violation described in subdivision (c)(1) must be punished the same as a first violation, except that the motor vehicle used in the commission of the second or subsequent violation is subject to seizure and forfeiture under the same procedures used for the forfeiture of conveyances pursuant to title 40, chapter 33.

(d) It is a defense to the application of this section that the person who engages in conduct that places another person in imminent danger of death or serious bodily injury was acting in justified self-defense, pursuant to § 39-11-611, or justified defense of a third person, pursuant to § 39-11-612.

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it.