

HOUSE BILL 1642

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to defendants released while awaiting trial.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-115(a), is amended by deleting the subsection and substituting:

(a)

(1) Any person charged with a bailable offense may, before a magistrate authorized to admit the person to bail, be ordered released pending trial:

(A) On the person's personal recognizance;

(B) Upon the execution of an unsecured appearance bond in an amount specified by the magistrate; or

(C) With conditions of release, pursuant to this section and § 40-11-116, which may include the deposit of bail.

(2) In making a determination pursuant to subdivision (a)(1), the magistrate shall give first consideration to ensuring the safety of the community. If the magistrate orders that the person be released pending trial, then the magistrate must impose the least restrictive conditions of release that will reasonably ensure the appearance of the person as required and the safety of the community.

SECTION 2. Tennessee Code Annotated, Section 40-11-115(b)(5), is amended by deleting the subdivision and substituting:

(5) The nature of the offense, the apparent probability of conviction, and the likely sentence, insofar as these factors are relevant to the risk of nonappearance and the safety of the community;

SECTION 3. Tennessee Code Annotated, Section 40-11-116(a), is amended by deleting the subsection and substituting:

(a) If a magistrate determines that conditions of release are necessary, then the magistrate must impose the least onerous conditions reasonably likely to ensure the safety of the community and the defendant's appearance in court.

SECTION 4. Tennessee Code Annotated, Section 40-11-116(b)(3), is amended by deleting the subdivision and substituting:

(3) Impose any other reasonable restriction designed to ensure the safety of the community and the defendant's appearance, including, but not limited to, the deposit of bail pursuant to § 40-11-117.

SECTION 5. Tennessee Code Annotated, Section 40-11-117, is amended by deleting the section and substituting:

If the magistrate determines that a release on recognizance or with conditions will not reasonably ensure the safety of the community and the appearance of the defendant as required, then the magistrate must require bail to be given.

SECTION 6. Tennessee Code Annotated, Section 40-11-118(a)(2), is amended by deleting the second sentence of the subdivision and substituting:

Bail must be set as low as the court determines is necessary to reasonably ensure the safety of the community and the appearance of the defendant as required.

SECTION 7. This act takes effect July 1, 2024, the public welfare requiring it, and applies to release determinations for offenses committed on or after that date.