

HOUSE BILL 1872

By Fritts

AN ACT to amend Tennessee Code Annotated, Title 16; Title 33; Title 39; Title 40 and Title 49, relative to criminal offenses.

WHEREAS, lawless conditions resulting from a failed border policy at the southern United States border increase the risk of drug and human trafficking in Tennessee; and

WHEREAS, enhancing the penalty for a crime will reduce the frequency of that crime occurring; and

WHEREAS, human and drug trafficking breed violent crime; and

WHEREAS, public safety is improved by reducing the frequency of violent crime; and

WHEREAS, fentanyl is primarily introduced to our State from the southern United States border; and

WHEREAS, deterring those persons coming across our southern border intent on perpetrating these kinds of crimes from coming into Tennessee makes everyone in our State safer; and

WHEREAS, our schools must be places of learning that are unencumbered by concerns about being safe from violent crime; and

WHEREAS, we should make laws and take actions that protect our schools from violent crime; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 3, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Deadly weapon" has the same meaning as defined in § 39-11-106;

(2) "Illegal alien" means a person who is illegally or unlawfully in the United States;

(3) "School" means a public or private elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university; and

(4) "Violent crime" has the same meaning as defined in § 40-38-111(g).

(b) Notwithstanding another law to the contrary, and in addition to the enhancement factors prescribed under § 40-35-114, a court may enhance the statutory penalty up to imprisonment for life without the possibility of parole for a conviction under the following circumstances:

(1) The conviction is for the commission of a violent crime and the defendant was an illegal alien at the time the offense was committed;

(2) The conviction involves the use or display of a deadly weapon and the defendant was an illegal alien at the time the offense was committed; or

(3) The conviction is for the commission of a violent crime and the offense occurred on the property of a school.

(c) An arrest and subsequent conviction to which the enhancement factors would apply under subdivision (b)(1) or (2) must be reported to the Tennessee bureau of investigation's human trafficking advisory council to determine the correlations between arrests, convictions, and incidents of human trafficking in this state.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it, and applies to acts occurring on or after such date.