

HOUSE BILL 2195

By Camper

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 35, relative to sentencing for certain
offenders.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-302(c), is amended by deleting the language “(d) and (e)” and substituting instead the language “(d) and (f)”.

SECTION 2. Tennessee Code Annotated, Section 40-35-302, is amended by inserting the following new subsection (e) and redesignating existing subsections accordingly:

(e)

(1) The punishment for any person convicted of a Class A misdemeanor who has been previously convicted of ten (10) or more Class A misdemeanors within the previous ten (10) years from the date of the offense for which the defendant is being sentenced shall be a Class E felony.

(2) If the court finds that subdivision (e)(1) does or does not apply to the defendant, the court shall cause the judgment of conviction to so reflect.

(3) The finding that subdivision (e)(1) does or does not apply to the defendant is appealable by either party.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it and shall apply to any offense for which the penalty is a Class A misdemeanor and is committed on or after the effective date of this act.