



State of Tennessee

PUBLIC CHAPTER NO. 116

SENATE BILL NO. 328

By Haile, Yager

Substituted for: House Bill No. 144

By Lamberth, Sherrell, Hardaway, Whitson, Gant, Wright, Ragan, Eldridge, Todd

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40 and Title 55, relative to criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-402(a)(2)(B)(ii), is amended by deleting "twenty-five (25) days" and substituting "seventeen (17) days".

SECTION 2. Tennessee Code Annotated, Section 55-10-410, is amended by inserting the following language as a new subdivision (a)(3) and renumbering the subsequent subdivisions appropriately:

(3) Upon a third or subsequent conviction for violating § 55-10-401, involving the use of alcohol, the court shall order the person to wear a transdermal alcohol monitoring device for a minimum period of ninety (90) days of continuous sobriety without any confirmed drinking or tampering events upon release on probation. This requirement may be waived by the judge in the best interest of justice, if the person has already completed a ninety-day period of continuous sobriety as a condition of release on bail;

SECTION 3. Tennessee Code Annotated, Section 55-10-410(a)(1)(A)(iii), is amended by deleting "subdivision (a)(4)" and substituting "subdivision (a)(5)".

SECTION 4. Tennessee Code Annotated, Section 40-11-118(f)(1), is amended by designating the current language as subdivision (f)(1)(A) and adding the following new subdivision (f)(1)(B):

(B) If a person is charged with a third or subsequent offense of driving under the influence of an intoxicant under § 55-10-401 and the alleged offense involved the use of alcohol, then the judge or magistrate shall order the person, upon release on bail, to wear a transdermal alcohol monitoring device for a minimum period of ninety (90) days of continuous sobriety without any confirmed drinking or tampering events, unless the person's criminal case is resolved prior to the completion of the ninety-day period.

SECTION 5. Tennessee Code Annotated, Section 55-10-402(d), is amended by adding the following as a new subdivision:

(3) Notwithstanding this part to the contrary, a person violating § 55-10-401, upon conviction for a third or subsequent offense, shall pay all costs associated with an ignition interlock device, transdermal monitoring device, global positioning monitoring system, or any other monitoring device and is not eligible for electronic monitoring indigency fund assistance under this part, regardless of whether the person is indigent.

SECTION 6. This act takes effect July 1, 2023, the public welfare requiring it.

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PASSED: March 16, 2023



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of April 2023



BILL LEE, GOVERNOR