

SENATE BILL 1164

By Hensley

AN ACT to amend Tennessee Code Annotated, Section
39-13-218, relative to driving under the influence.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-218(a), is amended by deleting subdivisions (2) and (3) and substituting instead the following:

(2) The defendant has one (1) or more prior convictions for the offense of vehicular homicide;

(3) There was, at the time of the offense, twenty-hundredths of one percent (0.20%), or more, by weight of alcohol in the defendant's blood and the defendant has one (1) prior conviction for:

(A) Driving under the influence of an intoxicant; or

(B) Vehicular assault;

(4) At the time of the offense, the defendant's blood includes any amount or active metabolite of a Schedule I controlled substance, as defined in §§ 39-17-405 and 39-17-406, or any amount or active metabolite of a controlled substance analogue, as defined in § 39-17-454, of a Schedule I controlled substance, and the defendant has one (1) prior conviction for:

(A) Driving under the influence of an intoxicant; or

(B) Vehicular assault; or

(5) At the time of the offense, the defendant's blood includes any amount or active metabolite of a Schedule II controlled substance, as defined in §§ 39-17-407 and 39-17-408, or any amount or active metabolite of a controlled substance analogue, as defined in § 39-17-454, of a Schedule II controlled substance, for which the person does

not have a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the laws of this state, and the defendant has one (1) prior conviction for:

(A) Driving under the influence of an intoxicant; or

(B) Vehicular assault.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.