

SENATE BILL 1409

By Bell

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 55, relative to driving under the influence.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-401, is amended by adding the following as new subdivisions:

(4) The drug concentration in the person'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;

(5) The drug concentration in the person's blood includes any amount of or active metabolite of one (1) of the following substances for which the person does not have a valid prescription issued by a licensed healthcare practitioner authorized to prescribe by the laws of the state:

(A) A Schedule II controlled substance, as defined in §§ 39-17-407 and 39-17-408;

(B) A Schedule III controlled substance, as defined in §§ 39-17-409 and 39-17-410;

(C) A Schedule IV controlled substance, as defined in §§ 39-17-411 and 39-17-412; or

(D) A Schedule V controlled substance, as defined in §§ 39-17-413 and 39-17-414; or

(6) The delta-9-tetrahydrocannabinol (THC) in the person's blood is five (5) nanograms per one (1) milliliter or more.

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following language as a new, appropriately designated section:

(a) This section shall be known and may be cited as the "School Zone Safety Act."

(b) A misdemeanor violation of § 55-10-401 that occurs on the grounds or facilities of any school or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, public library, recreational center, or park shall be subject to double the penalties otherwise imposed both with respect to sentences as set forth in § 55-10-402, fines as set forth in § 55-10-403, and driving prohibitions as set forth in § 55-10-404.

(c) A felony violation of § 55-10-401 that occurs on the grounds or facilities of any school or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, public library, recreational center, or park shall be punished one (1) classification higher than otherwise provided and the mandatory minimum sentences, fines, and driving prohibitions doubled as set forth in §§ 55-10-402 - 55-10-404.

(d) A violation of the implied consent law, as set forth in § 55-10-406, in connection with driving or physical control of a motor vehicle on the grounds or facilities of any school or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, public library, recreational center, or park shall be subject to double the penalties set forth in § 55-10-407.

(e) A violation of § 55-10-415 that occurs on the grounds or facilities of any school or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care

agency, public library, recreational center, or park shall be subject to double the penalties both with respect to fines and driving prohibitions as set forth therein.

(f) A violation of § 39-13-106, § 39-13-115, or § 39-13-213(a)(2) shall be punished one (1) classification higher than otherwise provided and the mandatory minimum sentences, fines, and driving prohibitions doubled as set forth in said statutes.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.