

SENATE BILL 1638

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 35, Part 3, relative to criminal sentencing.

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) "Criminal defendant" means a person who has been charged with, or a presentment or indictment has been brought against for, a misdemeanor or felony offense but who has not been convicted or sentenced for the offense;

(2) "Criminal sentence" means any form of sentence authorized by this chapter for the commission of a misdemeanor or felony offense, including the alternatives listed in § 40-35-104; and

(3) "Sterilization" means the process of rendering an individual incapable of sexual reproduction by castration, vasectomy, salpingectomy, or some other procedure and includes endoscopic techniques for female sterilization that can be performed outside of a hospital without general anesthesia such as culdoscopic, hysteroscopic, and laparoscopic sterilization.

(b) No guilty plea agreement or plea of nolo contendere may be accepted by the court nor shall any criminal sentence be imposed by a judge if any part of the plea or sentence is in whole or in part conditioned or based upon the criminal defendant submitting to some form of sterilization.

(c) Subsection (b) is applicable regardless of whether the criminal defendant gives voluntarily consent to some form of sterilization as a part or condition of any plea

agreement or criminal sentence prohibited by subsection (b). Consent under those conditions is contrary to public policy, and is as a matter of law deemed to be coerced, ineffective, and void.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any plea agreement or plea of nolo contendere entered into or criminal sentence imposed on or after the effective date.