

SENATE BILL 1656

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 3, relative to felonies.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-309(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) A violation of subsection (a) is a Class B felony, except where the victim of the offense is a child under eighteen (18) years of age, or where the offense occurs on the grounds or facilities or within one thousand feet (1,000') of a public or private school, secondary school, preschool, child care agency, public library, recreational center, or public park, a violation of subsection (a) is a Class A felony.

(d) A violation of subsection (a) is a Class A felony when the person that committed the offense is a "criminal gang member" or commits a "criminal gang offense" as defined in § 40-35-121.

(e) It is an affirmative defense to prosecution under this section that the defendant:

(1) Is a victim of a violation under this section; and

(2) Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.

(f) It is not a defense to a violation of this section that:

(1) The subject of the offense is a law enforcement officer; or

(2) The victim of the offense is a minor and consented to the offense.

(g) Notwithstanding title 40. chapter 35, a person convicted of a violation of this section against a minor shall be punished as a Range II offender. Nothing in this subsection (g) prevents the person from being sentenced within Range III, if appropriate. but in no event shall sentencing be from a range lower than Range II.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.