

SENATE BILL 1794

By Massey

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 1, relative to domestic assault.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-111(c)(1), is amended by deleting the language “subsection (d)” of this section and by substituting instead the language “subsections (d) and (e)”.

SECTION 2. Tennessee Code Annotated, Section 39-13-111(c)(2), is amended by deleting the language “thirty (30) days” and by substituting instead the language “forty-five (45) consecutive days”.

SECTION 3. Tennessee Code Annotated, Section 39-13-111(c)(3), is amended by deleting the language “ninety (90) days” and by substituting instead the language “one hundred twenty (120) consecutive days”.

SECTION 4. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following as new subsections:

(e) A person convicted of a violation under this section shall be required to serve at least the minimum sentence day for day. All persons sentenced under this section shall, in addition to service of at least the minimum sentence, be required to serve the difference between the time actually served and the maximum sentence on probation.

(f)

(1) An offender sentenced to a period of incarceration for a violation committed in a manner prohibited by § 39-13-101(a)(1), shall be required to commence service of the sentence within thirty (30) days of conviction or, if space is not immediately available in the appropriate municipal or county jail or

workhouse within such time, as soon as such space is available. If, in the opinion of the sheriff or chief administrative officer of a local jail or workhouse, space will not be available to allow an offender convicted of a violation of § 39-13-101(a)(1) to commence service of the sentence within thirty (30) days of conviction, the local authority shall contact and inform the victim of record of the commencement date of the offender's incarceration. If, in the opinion of the sheriff or chief administrative officer of a local jail or workhouse, space will not be available to allow an offender convicted of a violation of § 39-13-101(a)(1), to commence service of the sentence within ninety (90) days of conviction, the sheriff or administrative officer shall use alternative facilities for the incarceration of the offender. The appropriate county or municipal legislative body shall approve the alternative facilities to be used in the county or municipality.

(2) As used in this subsection (f), "alternative facilities" include, but are not limited to, vacant schools or office buildings or any other building or structure owned, controlled or used by the appropriate governmental entity that would be suitable for housing these offenders for short periods of time on an as-needed basis. A governmental entity may contract with another governmental entity or private corporation or person for the use of alternative facilities when needed and governmental entities may, by agreement, share use of alternative facilities.

(3) Nothing in this subsection (f) shall be construed to give an offender a right to serve a sentence for a violation committed in a manner prohibited by § 39-13-101(a)(1), in an alternative facility or within a specified period of time. Failure of a sheriff or chief administrative officer of a jail to require an offender to serve the sentence within a certain period of time or in a certain facility or type of facility shall have no effect upon the validity of the sentence.

SECTION 5. This act shall take effect July 1, 2014, the public welfare requiring it.