

SENATE BILL 1983

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 11, relative to conditions of bond.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1)

(A) When the court is determining the amount and conditions of bail to be imposed upon a defendant, if the defendant is charged with driving under the influence of an intoxicant under § 55-10-401, vehicular assault under § 39-13-106, aggravated vehicular assault under § 39-13-115, vehicular homicide under § 39-13-213(a)(2), or aggravated vehicular homicide under § 39-13-218, the court shall require the defendant to operate only a motor vehicle equipped with a functioning ignition interlock device.

(B) The defendant must demonstrate compliance with the requirements of this subdivision (d)(1) by submitting proof of ignition interlock installation to the district attorney general's office within ten (10) days of being released on bail. If the defendant elects to refrain from driving while required to operate only a motor vehicle equipped with an ignition interlock device, the defendant may demonstrate proof of compliance with the requirements of this subdivision (d)(1) by surrendering the defendant's driver license to the department of safety and submitting proof of such surrender to the district attorney general's office within ten (10) days of being released on bail. The proof of compliance may be

submitted electronically. If the defendant elects to refrain from driving while required to operate only a motor vehicle equipped with an ignition interlock device, the court shall order the use of one (1) of the monitoring devices listed in subdivisions (d)(2)(A) and (B).

(2) If the defendant is charged with an offense listed in subdivision (d)(1) and has one (1) or more prior convictions for any of the listed offenses and is not subject to the requirements of subsection (f), the court shall also consider the use of special conditions for the defendant, including the following:

(A) The use of transdermal monitoring devices or other alternative alcohol monitoring devices. If the court orders the use of a monitoring device on or after July 1, 2016, and determines the defendant is indigent, the court shall order the portion of the costs of the device that the defendant is unable to pay be paid by the electronic monitoring indigency fund, established in § 55-10-419;

(B) The use of electronic monitoring with random alcohol or drug testing;

or

(C) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

(3) As used in this subsection (d), "court" includes any person authorized by § 40-11-106 to take bail.

SECTION 2. Tennessee Code Annotated, Section 40-11-118(g)(1), is amended by deleting the language "subdivisions (d)(2)(A) - (C)" and substituting instead the language "subdivision (d)(1), subdivisions (d)(2)(A) – (B)".

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subdivision (b)(2)(A).

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it.