



State of Tennessee

PUBLIC CHAPTER NO. 1046

HOUSE BILL NO. 2110

By Representative Goins

Substituted for: Senate Bill No. 2711

By Senator Bowling

AN ACT to amend Tennessee Code Annotated, Title 38; Title 39; Title 40; Title 55, Chapter 10, Part 4 and Title 69, Chapter 9, relative to criminal procedure.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-102(e), is amended by adding the following new subdivision:

(4) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a domestic abuse victim as defined in § 36-3-601, the court shall assess each person convicted an electronic monitoring indigency fee of ten dollars (\$10.00). All proceeds collected pursuant to this subdivision (e)(4) shall be transmitted to the treasurer for deposit in the electronic monitoring indigency fund, established in § 55-10-419.

SECTION 2. Tennessee Code Annotated, Section 39-13-111(c), is amended by adding the following new subdivision:

(7) In addition to all other fines, fees, costs, and punishments now prescribed by law, the court shall assess each person convicted of domestic assault an electronic monitoring indigency fee of ten dollars (\$10.00). All proceeds collected pursuant to this subdivision (c)(7) shall be transmitted to the treasurer for deposit in the electronic monitoring indigency fund, established in § 55-10-419.

SECTION 3. Tennessee Code Annotated, Title 40, is amended by deleting the language "DUI monitoring fund" wherever it appears and substituting instead the language "electronic monitoring indigency fund".

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by deleting the language "DUI monitoring fund" wherever it appears and substituting instead the language "electronic monitoring indigency fund".

SECTION 5. Tennessee Code Annotated, Section 55-10-419(g)(2), is amended by deleting the language "The fee assessed pursuant to § 55-10-413(a)" and substituting instead the language "The fees assessed pursuant to §§ 55-10-413(a) and 69-9-219(c)(9)".

SECTION 6. Tennessee Code Annotated, Section 55-10-417, is amended by adding the following new subsection:

(m) In addition to all other fines, fees, costs, and punishments now prescribed by law, upon ordering the use of a functioning ignition interlock device pursuant to § 55-10-409 or subdivision (a)(1), subdivision (a)(2), or subsection (k), the court shall assess a one-time electronic monitoring initial use fee of twelve dollars (\$12.00) if the person has not previously been ordered by a court of this state to use an ignition interlock or other electronic monitoring device. All proceeds collected pursuant to this subsection (m) shall be transmitted to the treasurer for deposit in the electronic monitoring indigency fund, established in § 55-10-419.

SECTION 7. Tennessee Code Annotated, Section 55-10-419(g)(1), is amended by deleting the language "All proceeds collected pursuant to § 55-10-413(a)" and substituting instead the language "All proceeds collected pursuant to §§ 55-10-413(a) and 69-9-219(c)(9)".

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SECTION 8. Tennessee Code Annotated, Section 69-9-219(c), is amended by adding the following new subdivision:

(9) In addition to all other fines, fees, costs, and punishments now prescribed by law, an ignition interlock fee of forty dollars (\$40.00) shall be assessed for each violation of § 69-9-217, occurring on or after July 1, 2018, and resulting in a conviction for such offense. All proceeds collected pursuant to this subdivision (c)(9) shall be transmitted to the treasurer for deposit in the electronic monitoring indigency fund pursuant to § 55-10-419(g).

SECTION 9. Tennessee Code Annotated, Section 40-28-201, is amended by adding the following new subdivision (a)(5):

(5) In addition to the other charges and fees imposed by this section, beginning July 1, 2018, any person who is under the supervision of the department and is enrolled in an electronic monitoring and tracking supervision program shall be required to pay a one-time electronic monitoring initial use fee of twelve dollars (\$12.00) if the person has not previously been ordered by a court of this state to use an electronic monitoring or ignition interlock device. All proceeds collected pursuant to this subdivision (a)(5) shall be transmitted to the treasurer for deposit in the electronic monitoring indigency fund, established in § 55-10-419.


SECTION 10. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act shall be severable.

SECTION 11. The Tennessee Code Commission is requested to change all references to the "DUI monitoring fund" found in section headings to "electronic monitoring indigency fund".

SECTION 12. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to offenses committed on or after that date.

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PASSED: April 24, 2018

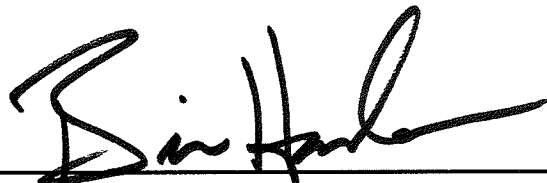


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2018



BILL HASLAM, GOVERNOR