

SENATE BILL 2412

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to pretrial release.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following as a new subsection:

(f)

(1) Notwithstanding subsection (a), if a defendant is released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond, then the magistrate shall enter an order requiring the defendant to wear a global positioning monitoring system device, as defined in § 40-11-152, if the defendant is charged with:

(A) If the offense is a felony under § 39-14-105:

(i) Theft of property, as defined in § 39-14-103;

(ii) Organized retail crime, as defined in § 39-14-113; or

(iii) Mail theft, as defined in § 39-14-129;

(B) Robbery, as defined in § 39-13-401;

(C) Aggravated robbery, as defined in § 39-14-402;

(D) Especially aggravated robbery, as defined in § 39-13-403;

(E) Carjacking, as defined in § 39-13-404;

(F) Burglary, as defined in § 39-13-1002;

(G) Aggravated burglary, as defined in § 39-13-1003; or

(H) Especially aggravated burglary, as defined in § 39-13-1004.

(2) The defendant shall pay the costs associated with operating the global positioning monitoring system device unless the magistrate determines that the defendant is indigent. If the magistrate determines that the defendant is indigent, then the magistrate shall order the defendant to pay any portion of the costs that the defendant has the ability to pay, as determined by the magistrate. Any portion of the costs that the defendant is unable to pay due to indigency shall come from the electronic monitoring indigency fund established pursuant to § 55-10-419, subject to the availability of funds.

SECTION 2. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following as a new subsection:

(d)

(1) Notwithstanding subsection (b), the magistrate shall enter an order requiring the defendant to wear a global positioning monitoring system device, as defined in § 40-11-152, if the defendant is charged with:

(A) If the offense is a felony under § 39-14-105:

(i) Theft of property, as defined in § 39-14-103;

(ii) Organized retail crime, as defined in § 39-14-113; or

(iii) Mail theft, as defined in § 39-14-129;

(B) Robbery, as defined in § 39-13-401;

(C) Aggravated robbery, as defined in § 39-14-402;

(D) Especially aggravated robbery, as defined in § 39-13-403;

(E) Carjacking, as defined in § 39-13-404;

(F) Burglary, as defined in § 39-13-1002;

(G) Aggravated burglary, as defined in § 39-13-1003; or

(H) Especially aggravated burglary, as defined in § 39-13-1004.

(2) The defendant shall pay the costs associated with operating the global positioning monitoring system device unless the magistrate determines that the defendant is indigent. If the magistrate determines that the defendant is indigent, then the magistrate shall order the defendant to pay any portion of the costs that the defendant has the ability to pay, as determined by the magistrate. Any portion of the costs that the defendant is unable to pay due to indigency shall come from the electronic monitoring indigency fund established pursuant to § 55-10-419, subject to the availability of funds.

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it, and applies to offenses committed on or after that date.