

Amendment No. 1 to SB1482

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1482

House Bill No. 688*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following new subdivision (b)(5) and redesignating the current subdivision (b)(5) as subdivision (b)(6):

(5)

(A) Reckless endangerment under the circumstances set out as community terrorism in subdivision (b)(5)(D) is a Class C felony and shall be punished by the following, in addition to any period of confinement:

(i)

(a) Revocation of the person's driver license, if the person had a valid driver license on the date of conviction for the offense;
or

(b) A prohibition against the department issuing a driver license to the person, if the person did not possess a valid driver license at the time of conviction for the offense; and

(ii)

(a) The court shall prohibit the person from entering the geographic territory in which the offense was committed, which must be defined by the court in its sentencing order, for the duration of the person's sentence, require that the person wear a global positioning monitoring device to ensure compliance with the

prohibition, and pay the costs associated with operating the global positioning monitoring system for the person. If the person is sentenced to probation, the prohibition and monitoring requirement must be a condition of probation. If the person is sentenced to confinement and becomes eligible for parole, the board of parole shall include the prohibition and monitoring requirement as a condition of parole.

(b) As used in this subdivision (b)(5)(A)(ii), "global positioning monitoring system" means a system that electronically determines and reports the location of an individual through the use of a transmitter or similar device worn by the individual that transmits latitude and longitude data to a monitoring entity through global positioning satellite technology, and does not include a system that contains or operates global positioning system technology, radio frequency identification technology, or any other similar technology that is implanted in or otherwise invades or violates the individual's body.

(B)

(i) Upon ordering the revocation or prohibited issuance of the person's driver license pursuant to subdivision (b)(5)(A), the court shall submit a copy of the conviction and an order for revocation or prohibition, whichever is applicable, to the department of safety.

(ii) Upon receipt of a conviction and an order for revocation of the person's driver license, the department shall revoke the person's driver license if the person had a valid driver license on the date of conviction. The driver license must not be reinstated or issued except as provided in subdivision (b)(5)(C).

(C)

(i) A person whose driver license has been revoked or prohibited from being issued pursuant to subdivision (b)(5)(A) may, immediately following revocation or, if the person was sentenced to confinement, upon release from confinement, apply to the sentencing court, or a court of competent jurisdiction in the person's county of residence, for a restricted driver license.

(ii) Upon demonstration of a compelling need by the person, the court may allow the issuance of a restricted driver license. The restricted license may be used for the purpose of going to and from work at the person's regular place of employment; going to and from the person's regular place of worship; going to and from medical appointments for the person and the person's immediate family members; going to and from a dependent's day care or school; and, in the case of a student enrolled full time in an institution of higher education, going to and from that institution. If the court orders the issuance of a restricted driver license, then the person may obtain a certified copy of the order and, within ten (10) days after issuance of the order, present the order to the department with an application fee of sixty-five dollars (\$65.00), and the department shall issue a restricted driver license embodying the limitations imposed in the order.

(iii) No sooner than five (5) years after the person was issued a restricted driver license by the department of safety, the person may apply to the sentencing court, or a court of competent jurisdiction in the person's county of residence, for a driver license without restrictions. If the court finds that the person has demonstrated that the person has been rehabilitated, then the court shall permit the person to apply for and

the department of safety to issue the person a driver license without restrictions. If the court orders the issuance of a driver license without restrictions, then the person may obtain a certified copy of the order and, within ten (10) days after issuance of the order, present the order to the department with an application fee of sixty-five dollars (\$65.00), and the department shall issue a driver license without restrictions.

(iv) A person whose driver license was revoked or prohibited is not eligible for a driver license unless the person has applied for and received a restricted license for a period of at least five (5) years.

(D) As used in this subdivision (b)(5), "community terrorism" means reckless endangerment:

(i) That is committed against a population within a geographic territory by members of a criminal gang that regularly engages in gang-related conduct, as defined by § 29-3-101(a)(2)(B), or has a pattern of criminal gang activity, as defined in § 40-35-121(a), and the commission of the offense is gang-related; or

(ii) That is committed within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, public library, recreational center, or park.

SECTION 2. Tennessee Code Annotated, Section 40-35-123(b)(1), is amended by adding the following new subdivision:

() Reckless endangerment, as defined in § 39-13-103(b)(5)(D);

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.