

HOUSE BILL 8

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to criminal offenses and criminal procedure.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following language as a new, appropriately designated section:

39-13-1__.

(a) As used in this section, a "prior conviction" means an offense for which the person was convicted prior to the aggravated vehicular assault charge. This definition includes prior convictions from this state or any other state, district or territory of the United States within the last twenty (20) years.

(b)

(1) A person commits aggravated vehicular assault who:

(A) Commits vehicular assault, as defined in § 39-13-106;

(B) Has two (2) or more prior convictions for:

(i) Driving under the influence of an intoxicant, as defined in § 55-10-401; or

(ii) A violation of the habitual motor vehicle offender law, as defined in §55-10-603;

(C) Has one (1) or more prior convictions for vehicular assault;

(D) Has one (1) or more prior convictions for vehicular homicide, as defined in § 39-13-213; or aggravated vehicular homicide as defined in § 39-13-218; or

(2) At the time of the offense:

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(A) The alcohol concentration in the person's blood or breath is twenty-hundredths of one percent (.20%), or more; and

(B) The person has one (1) prior conviction for:

(i) Driving under the influence of an intoxicant; as defined in §55-10-401; or

(ii) A violation of the habitual motor vehicle offender law, as defined in §55-10-603.

(c) The indictment, in a separate count, shall specify, charge and give notice of the required prior conviction or convictions. If the person is convicted of vehicular assault under §39-13-106, the trier of fact shall separately consider whether the person has the required aggravating factors necessary to commit aggravated vehicular homicide.

(d) A violation of this section is a Class C felony and there shall additionally be imposed a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000).

(e) Upon the conviction of aggravated vehicular assault, the court shall prohibit the convicted person from driving a vehicle in this state pursuant to § 39-13-106(c).

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.