

HOUSE BILL 109

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, Part 3, relative to the revocation of suspension of sentence or probation.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) Whenever it comes to the attention of the trial judge that any defendant, who has been released upon suspension of sentence, has been guilty of any breach of the laws of this state or has violated the conditions of probation, the trial judge shall have the power to cause to be issued under the trial judge's hand a warrant for the arrest of the defendant or a summons of the defendant to court as in any other criminal case.

Regardless of whether the defendant is on probation for a misdemeanor or felony, or whether the warrant is issued by a general sessions court judge or the judge of a court of record, the warrant may be executed or the summons served by a probation officer or any peace officer of the county in which the probationer is found.

(b) Whenever any person is arrested or summoned to court for the violation of probation and suspension of sentence, the trial judge granting the probation and suspension of sentence, the trial judge's successor, or any judge of equal jurisdiction who is requested by the granting trial judge to do so shall, at the earliest practicable time, inquire into the charges and determine whether or not a violation has occurred, and at the inquiry, the defendant must be present and is entitled to be represented by counsel and has the right to introduce testimony in the defendant's behalf.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.