

HOUSE BILL 611

By DeBerry J

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

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 12, is amended by adding Sections 2 and 3 of this act as a new part:

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "Acting in concert" means such conduct that would make one criminally responsible pursuant to § 39-11-401, § 39-11-402, or § 39-11-403; and

(2) "Crime of force or violence" means any of the following felony offenses:

(A) Criminal attempt, second degree murder as defined in §§ 39-12-101 and 39-13-210;

(B) Aggravated rape, as defined in § 39-13-502; or

(C) Carjacking, as defined in § 39-13-404.

SECTION 3.

(a) A crime of force or violence committed while acting in concert with two (2) or more other persons shall be classified one (1) classification higher than if it were committed alone. A Class A felony committed while acting in concert with two (2) or more other persons shall be classified as a Class A felony, however, the presumptive sentence shall be the maximum within the range.

(b) The indictment shall charge that the offense was committed while acting in concert with two (2) or more other persons.

SECTION 4. If any provision of this act or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect January 1, 2010, the public welfare requiring it.