

HOUSE BILL 688

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 40, Chapter 35, relative to reckless endangerment.

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

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 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 for a period of five (5) years from the date of conviction, 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 for a period of five (5) years from the date of conviction, if the person did not possess a valid driver license at the time of conviction for the offense; and

(ii) If the person is sentenced to probation, the court shall, as a condition of probation, prohibit the person from entering the geographic territory in which the offense was committed, which shall be defined by the court in its sentencing order, for the duration of the person's sentence.

(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 shall not be reinstated or issued until the five-year period following the date of conviction has expired. A person whose license was revoked or prohibited from being issued pursuant to subdivision (b)(5)(A) may apply to the department for reinstatement or issuance of the person's driver license after the five-year period following the date of conviction has expired.

(C) A person whose driver license has been revoked or prohibited from being issued pursuant to subdivision (b)(5)(A) may, upon release from confinement, apply to the sentencing court, or a court of competent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. Upon demonstration of a compelling need by the person, the court may allow the issuance of a restricted driver license 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.

(D) This subdivision (b)(5) applies to reckless endangerment 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.

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, 2023, the public welfare requiring it.