

HOUSE BILL 1478

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)(2), is amended by deleting the subdivision and substituting instead the following:

(2) Reckless endangerment committed with a deadly weapon, which includes the use of a motor vehicle operated with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person, is a Class E felony.

SECTION 2. Tennessee Code Annotated, Section 39-13-103(b)(4), is amended by redesignating the current subdivision (b)(4) as subdivision (b)(5), and adding the following as a new subdivision (b)(4):

(A) Reckless endangerment under the circumstances set out in subdivision (b)(4)(B) is a Class C felony which includes, in addition to any period of confinement, the following:

(i) A minimum fine of five thousand dollars (\$5,000); provided, however, that the maximum fine authorized is ten thousand dollars (\$10,000); and

(ii) Except as provided in subdivision (b)(4)(D):

(a) Revocation of the defendant's driver license for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the defendant 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 defendant for a period beginning on the date of conviction and continuing for a period of five (5) years following release from confinement, if the defendant did not possess a valid driver license at the time of conviction for the offense.

(B) Subdivision (b)(4)(A) applies to reckless endangerment committed by discharging a firearm:

- (i) Into a group of two (2) or more people;
- (ii) From within a motor vehicle, as defined by § 55-1-103; or
- (iii) Into a motor vehicle.

(C)

(i) Upon ordering the license revocation of the defendant pursuant to subdivision (b)(4)(A)(ii), the court shall submit a copy of the conviction and an order for revocation of the defendant's driver license to the department of safety.

(ii) Upon receipt of a conviction and an order for revocation of the defendant's driver license, the department shall revoke the defendant's driver license if the defendant had a valid driver license on the date of conviction. Except as provided in subdivision (b)(4)(D), the driver license shall not be reinstated or, if the defendant did not have a valid driver license on the date of conviction, shall not be issued until the five-year period following release from confinement has expired and the defendant submits documentation showing, to the satisfaction of the department, the date the defendant was released from confinement.

(D) A person whose driver license has been revoked or issuance prohibited pursuant to subdivision (b)(4)(A)(ii) may, upon release from confinement, apply to the court, or any 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 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, 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.

SECTION 3. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision (b)(6):

In addition to the penalty authorized by this subsection (b), if the court finds that the act resulting in the conviction was committed with a deadly weapon, the court shall require the defendant to complete an anger management program.

SECTION 4. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following language as a new subsection (c):

Except for a violation of subdivision (b)(4)(B)(i), each person endangered by a violation of this section constitutes a separate offense.

SECTION 5. Tennessee Code Annotated, Section 39-13-103, is amended by adding the following language as a new subsection (d):

(1) At the sentencing hearing of a person convicted of violating subdivision (b)(2), the state may offer evidence showing that the violation of subdivision (b)(2) was an act of community terrorism as defined in subdivision (d)(3). If the court finds that the

act resulting in the conviction constituted an act of community terrorism and that the person convicted threatened use of a firearm but did not actually display a firearm during the commission of the offense, then the court shall punish the person one (1) classification higher than the classification established for the offense for which the person was convicted.

(2) At the sentencing hearing of a person convicted of violating subdivision (b)(3) or (b)(4)(B), the state may offer evidence showing that the violation of subdivision (b)(3) or (b)(4)(B) was an act of community terrorism as defined in subdivision (d)(3). If the court finds that the act resulting in the conviction constituted an act of community terrorism, then the court shall punish the person two (2) classifications higher than the classification established for the offense for which the person was convicted.

(3) As used in this subsection (d), "community terrorism" means an offense 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 by § 40-35-121(a), and the commission of the offense is gang-related.

SECTION 6. This act shall take effect July 1, 2019, the public welfare requiring it.