

HOUSE BILL 1718

By Gillespie

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to conditions of bail.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-116, is amended by adding the following new subsection:

(d) If the magistrate imposes conditions on release, then the court shall also require the defendant to participate in pretrial monitoring to ensure that the defendant is complying with the conditions. If the defendant fails to comply with the conditions of release, then the pretrial monitoring agency shall notify the court having jurisdiction of the defendant's failure to comply.

SECTION 2. Tennessee Code Annotated, Section 40-11-112, is amended by deleting the section and substituting:

(a) Upon an increase in the amount of bail required, the court having jurisdiction at the time of the increase shall declare a forfeiture and may issue a warrant for the arrest of the defendant.

(b) Upon the defendant's failure to comply with any condition of a bail bond or recognizance release, the court having jurisdiction at the time of the failure shall declare a forfeiture and shall issue a warrant for the arrest of the defendant.

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by adding the following new subsection:

( ) If a defendant has been arrested pursuant to a warrant issued under § 40-11-112(b) for failure to comply with the conditions of release, then the defendant shall only be released by a criminal or circuit court judge.

SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.