

HOUSE BILL 2131

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11 and Title 67, Chapter 4, relative to the levy of a bail bond tax in any county having a population of not less than seventy-five thousand one hundred (75,100) nor more than seventy-five thousand two hundred (75,200), according to the 2010 federal census or any subsequent federal census.

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

SECTION 1. Tennessee Code Annotated, Section 67-4-801, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b)

(1) This part shall not apply to any county having a population of not less than seventy-five thousand one hundred (75,100) nor more than seventy-five thousand two hundred (75,200), according to the 2010 federal census or any subsequent federal census. Any such county is authorized to levy, by action of its governing body in accordance with this subsection (b), a privilege tax upon all bail bondsmen in this state for county purposes, in an amount not to exceed eight dollars (\$8.00) per bail bond.

(2)

(A) No resolution authorizing such county bail bond tax shall take effect unless it is approved by a two-thirds (2/3) vote of the county legislative body at two (2) consecutive, regularly scheduled meetings or unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the tax should be levied.

(B) If there is a petition of registered voters amounting to ten percent (10%) of the votes cast in the county in the last gubernatorial election that is filed

with the county election commission within thirty (30) days of final approval of such resolution by the county legislative body, then the county election commission shall call an election on the question of whether or not the tax should be levied in accordance with this subsection (b).

(C) The local governing body shall direct the county election commission to call such election to be held in a regular election or in a special election for the purpose of approving or rejecting such tax levy.

(D) The ballots used in such election shall have printed on them the substance of such resolution, and the voters shall vote for or against its approval.

(E) The votes cast on the question shall be canvassed and the results proclaimed by the county election commission and certified by it to the local governing body.

(F) The qualifications of voters voting on the question shall be the same as those required for participation in general elections.

(G) All laws applicable to general elections shall apply to the determination of the approval or rejection of this tax levy.

(3) In any county that has levied or may hereafter levy a bail bond tax under this subsection (b), an increase or decrease in the amount of an existing bail bond shall not constitute a new bail bond; provided, that the tax imposed by this subsection (b) per bail bond shall be collected by bail bondsmen and shall include all charges against a defendant that are based on the same conduct and arising from the same criminal episode committed as a part of a single course of conduct leading to the arrest and charges at the time; and the tax imposed on bail bonds shall not be construed to be a separate tax on each charge arising from incidents in a single course of conduct and the same criminal episode, but for the purposes of this subsection (b), shall be construed as one (1) bail bond.

(4) If a bail bond is sought pending appeal of a conviction, an additional tax in the amount of four dollars (\$4.00) shall be imposed, even if the bond is a continuation of a previous bond.

(5) Payment of the tax authorized to be imposed by a county pursuant to this subsection (b) shall be a condition precedent to the validity of any bail bond under title 40, chapter 11. No bond shall issue unless the tax has been paid.

(6) It shall be the duty of the bail bondsman to collect the tax authorized to be imposed pursuant to this subsection (b) and to remit the tax to the county in such manner as the county may determine.

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