

HOUSE BILL 2538

By Cochran

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 3 and Title 40, Chapter 11,
relative to mass violence.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 3, is amended by adding the following new section:

(a) As used in this section:

(1) "Mass violence" means an act that a reasonable person would conclude could lead to the serious bodily injury or death of four (4) or more persons;

(2) "Means of communication" means direct and indirect verbal, written, or electronic communications, including graffiti, pictures, diagrams, telephone calls, voice over internet protocol calls, video messages, voicemail, electronic mail, social media posts, instant messages, chat group posts, text messages, and any other recognized means of conveying information; and

(3) "School" means any public or private day school, preschool, elementary school, middle school, high school, college of applied technology, postsecondary vocational or technical school, or two-year or four-year college or university.

(b) A person commits an offense who recklessly, by any means of communication, threatens to commit an act of mass violence and the threat causes a reasonable expectation or reasonable fear of the commission of an act of mass violence.

(c)

(1) Except as provided in subdivision (c)(2), a violation of subsection (b) is a Class E felony.

(2) A violation of subsection (b) is a Class D felony if:

(A) The violation involves a threat to commit an act of mass violence:

(i) On the property of a school, house of worship, or federal, state, or local government; or

(ii) At a live performance or event;

(B) The defendant has one (1) or more prior convictions for a violation of this section or § 39-16-517; or

(C) The defendant has taken a substantial step toward carrying out an act of mass violence.

(d) Prior to making a bail determination, the court shall determine whether the defendant is a threat to the public. The department of safety must create a behavioral risk assessment, which may be used by the court in determining whether the defendant is a threat to the public. The arresting law enforcement agency must contact the department to arrange an assessment for a person arrested for a violation of this section. The court may consider evidence or testimony from law enforcement officers, the district attorney general, or any other appropriate person in making such a determination.

(e) As a condition of bail or other pretrial release, the court shall order the defendant to undergo an assessment under § 33-6-403. The court may also order an evaluation, under § 33-7-301, to determine whether the defendant is competent to stand trial or the defendant's mental capacity at the time of the commission of the offense.

(f) In addition to any other penalty authorized by law, a sentencing court may order a person convicted under subsection (b) to pay restitution, including costs and damages resulting from the disruption of the normal activity that would have otherwise occurred but for the threat to commit an act of mass violence.

SECTION 2. Tennessee Code Annotated, Section 40-11-105, is amended by adding the following new subsection:

() Notwithstanding subsection (a) or another law to the contrary, when a defendant has been arrested or held to answer for the offense of threatening to commit an act of mass violence, as defined in Section 1, the defendant may be admitted to bail only by a judge of the general sessions, circuit, or criminal court.

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.