

HOUSE BILL 2539

By Doggett

AN ACT to amend Tennessee Code Annotated, Title 28;
Title 37; Title 39 and Title 40, relative to restitution.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (a) and substituting instead the following:

(a) A sentencing court may enter an order for restitution directing a defendant to make restitution to the victim of the offense.

SECTION 2. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (c) and substituting instead the following:

(c) At the time of the sentencing hearing, the court shall hear evidence on the nature and amount of the victim's pecuniary loss to determine the amount of restitution owed to the victim and enter an order of restitution, if appropriate.

SECTION 3. Tennessee Code Annotated, Section 40-35-304(d), is amended by deleting the language "and method of payment or other" and substituting instead "of".

SECTION 4. Tennessee Code Annotated, Section 40-35-304(f), is amended by deleting the subsection in its entirety.

SECTION 5. Tennessee Code Annotated, Section 40-35-304(g), is amended by deleting the language "sentenced" and substituting instead "ordered".

SECTION 6. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subdivision (g)(1) and substituting instead the following:

(1) If there is no sentencing hearing or presentence report because the defendant's sentence is agreed upon and the payment of restitution is part of the

agreement, the plea agreement shall include the amount of restitution and the court shall enter an order of restitution at the time of sentencing;

SECTION 7. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subdivision (g)(2) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 40-35-304(g)(3), is amended by deleting the language "court sentences" and substituting instead "court orders" and by deleting the language "payment of" and substituting instead "pay".

SECTION 9. Tennessee Code Annotated, Section 40-35-304(g)(4), is amended by deleting the language "may sentence" and substituting instead "may order".

SECTION 10. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (h) and substituting instead the following:

(h) An order for restitution entered by the sentencing court is a final civil judgment at the time of entry and remains in effect from the date of entry until it is paid in full or is otherwise discharged. The order for restitution is entitled to be enforced as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state.

SECTION 11. Tennessee Code Annotated, Section 40-35-104(c)(2), is amended by deleting the language "Payment of" and substituting instead "An order for".

SECTION 12. Tennessee Code Annotated, Section 28-3-110(b)(1)(C), is amended by deleting the subdivision and substituting instead the following:

(C) The civil judgment is an order of restitution entered pursuant to § 40-35-304.

SECTION 13. Tennessee Code Annotated, Section 39-11-118, is amended by deleting the language "sentenced" wherever it appears and substituting instead "ordered".

SECTION 14. This act shall take effect July 1, 2020, the public welfare requiring it.