

HOUSE BILL 7029

By Littleton

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

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

SECTION 1. Tennessee Code Annotated, Section 37-1-134(a), is amended by deleting "After a petition has been filed" and substituting "Except as provided in subsection (m), after a petition has been filed".

SECTION 2. Tennessee Code Annotated, Section 37-1-134(c), is amended by deleting "The transfer pursuant to subsection (a)" and substituting "A transfer pursuant to subsection (a) or subsection (m)".

SECTION 3. Tennessee Code Annotated, Section 37-1-134, is amended by deleting subsection (l).

SECTION 4. Tennessee Code Annotated, Section 37-1-134, is amended by adding the following as a new subsection (m):

(m)

(1) After a petition has been filed alleging delinquency based on conduct that is designated a crime or public offense under the laws of this state, the court, before hearing the petition on the merits, shall transfer the child to the sheriff of the county to be held according to law and dealt with as an adult in the criminal court of competent jurisdiction and the disposition of the child shall be as if the child were an adult if:

(A) The child was sixteen (16) years of age or more but less than eighteen (18) years of age at the time of the alleged conduct and charged with:

(i) Theft of a firearm; or

(ii) An offense in title 39 that was committed while the child was in possession of a firearm;

(B) A probable cause hearing is held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127;

(C) Reasonable notice in writing of the time, place, and purpose of the probable cause hearing is given to the child and the child's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing; and

(D) The court finds that there is probable cause to believe that:

(i) The child committed the delinquent act as alleged; and

(ii) The child is not committable to an institution for the developmentally disabled or mentally ill.

(2) The district attorney general shall not seek, nor shall any child transferred under this subsection (m) receive, a sentence of death or mandatory life without the possibility of parole for the offense for which the child was transferred.

SECTION 5. This act takes effect October 1, 2023, the public welfare requiring it.