

HOUSE BILL 7034

By Sexton

AN ACT to amend Tennessee Code Annotated, Title 36; Title 39, Chapter 13; Section 39-17-315; Title 40, Chapter 11; Chapter 349 of the Public Acts of 2023 and Chapter 413 of the Public Acts of 2023, relative to stalking.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-113(g), is amended by deleting the subsection and substituting instead:

(1) Except as otherwise provided in subdivision (g)(2), a violation of subsection (a) is a Class A misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500).

(2) A violation of subsection (a), when based on conduct that constitutes stalking as defined in § 36-3-601, is a Class E felony.

(3) Any sentence of incarceration imposed must be served consecutively to the sentence for any other offense that is based in whole or in part on the same factual allegations. However, the sentencing judge or magistrate may specifically order the sentences for the offenses arising out of the same facts to be served concurrently.

SECTION 2. Tennessee Code Annotated, Section 39-17-315(b), is amended by deleting the subsection and substituting instead:

(b)

(1) A person commits an offense who intentionally engages in stalking.

(2) Stalking is a Class E felony.

(3) Stalking is a Class D felony if the defendant, at the time of the offense, was required to or was registered with the Tennessee bureau of

investigation as a sexual offender, violent sexual offender, or violent juvenile sexual offender, as defined in § 40-39-202.

SECTION 3. Tennessee Code Annotated, Section 39-17-315(c)(2), is amended by deleting the subdivision and substituting instead:

(2) Aggravated stalking is a Class D felony.

SECTION 4. Tennessee Code Annotated, Section 39-17-315(g), is amended by deleting the subsection and substituting instead:

(g)

(1) If a person is convicted of stalking, aggravated stalking, or especially aggravated stalking, or another felony offense arising out of a charge based on this section, then the court shall order an independent professional mental health assessment of the defendant's need for mental health treatment. The court may waive the assessment, if an adequate assessment was conducted prior to the conviction.

(2) If the assessment indicates that the defendant is in need of and amenable to mental health treatment, then the court shall include in the sentence a requirement that the offender undergo treatment, and that the drug intake of the defendant be monitored in the manner best suited to the particular situation. Monitoring may include periodic determinations as to whether the defendant is ingesting any illegal controlled substances or controlled substance analogues, as well as determinations as to whether the defendant is complying with any required or recommended course of treatment that includes the taking of medications.

(3) The court shall order the offender to pay the costs of assessment under this subsection (g), unless the offender is indigent under § 40-14-202.

SECTION 5. Tennessee Code Annotated, Section 39-17-315, is amended by adding the following new subsection:

(m) As a condition of bail or other pretrial release, the magistrate, judge, or other person ordering the release of a defendant who has been charged with stalking, aggravated stalking, or especially aggravated stalking shall order the defendant to undergo an evaluation, under § 33-7-301.

SECTION 6. This act takes effect October 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.