

SENATE BILL 6

By Green

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to offenses committed
against certain victims.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 2, is amended by adding the following as a new section:

(a) As used in this section, "hate crime" means a crime committed against a person because of actual or perceived employment as a law enforcement officer.

(b)

(1) Any killing or attempted killing of a victim, who was known or reasonably should have been known by the defendant to be a law enforcement officer, committed pursuant to § 39-13-210 or § 39-13-211 shall be a hate crime.

(2) A hate crime shall be punished one (1) classification higher than the classification established by the specific statute creating the offense committed; provided, that if the offense subject to enhancement under this subsection is a Class A felony, the presumptive sentence for the offense shall be the maximum sentence within the range from which the defendant is to be sentenced.

(3) If the defendant is charged with an offense specified under subdivision (b)(1), and the district attorney general intends to seek enhancement of the punishment pursuant to this section, the indictment, in a separate count, shall specify, charge, and give notice of the section under which enhancement is alleged applicable.

(4)

(A) If the defendant is convicted of an underlying offense specified in subdivision (b)(1), the jury shall then separately consider whether the defendant knew or reasonably should have known the victim to be a law enforcement officer.

(B) If the jury convicts the defendant under subdivision (b)(4)(A), the court shall pronounce judgment and sentence the defendant as provided in this section.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.