

SENATE BILL 44

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the punishment for the offense of driving under the influence of an intoxicant.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subdivision (a)(1)(A)(vi) and substituting instead the following, adding a new (a)(1)(A)(vii), and by renumbering present (a)(1)(A)(vii):

(vi) Notwithstanding any other law to the contrary, the fourth or fifth conviction shall be a Class E felony punishable by a fine of not less than three thousand dollars (\$3,000) nor more than fifteen thousand dollars (\$15,000); by confinement for not less than one hundred fifty (150) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class E felony; and the court shall prohibit the person from driving a motor vehicle for a period of five (5) years.

(vii) Notwithstanding any other law to the contrary, the sixth or subsequent conviction shall be a Class D felony punishable by a fine of not less than five thousand dollars (\$5,000) nor more than twenty thousand dollars (\$20,000); by confinement for not less than two hundred twenty (220) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class D felony; and the court shall prohibit the person from driving a motor vehicle for a period of five (5) years. For this subdivision (a)(1)(A)(vii) to apply, at least one (1) of the violations of § 55-10-401 must occur on or after July 1, 2009.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.