

SENATE BILL 102

By Berke

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 35, Part 3, relative to the assessment of  
fines by a jury or court.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-301, is amended by adding  
the following new subsection (c):

(c)

(1) If the court fixes the fine pursuant to a waiver as provided in  
subsection (b), or because the offense is punishable by a fine of fifty dollars  
(\$50.00) or less as provided in subsection (a), the court may take into  
consideration the defendant's personal income and ability to pay when  
determining the amount of fine to impose, if any.

(2) If the fine is fixed by the jury as provided in subsection (b), the court  
shall instruct the jury that it may take into consideration the defendant's personal  
income and ability to pay when determining the amount of fine to impose, if any.

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