

SENATE BILL 239

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 35, Part 3, relative to eligibility for  
probation.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-303, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) A defendant shall be eligible for probation under this chapter, if the sentence actually imposed upon the defendant is ten (10) years or less, and a defendant shall also be eligible for probation pursuant to § 40-36-106(e)(3).

(2) Notwithstanding subdivision (a)(1), no defendant shall be eligible for probation under this chapter, if:

(A) The defendant was convicted of a violation of § 39-13-304, § 39-13-402, § 39-13-504, § 39-13-532, § 39-15-402, § 39-17-417(b) or (i), § 39-17-1003, § 39-17-1004 or § 39-17-1005; or

(B) The defendant knowingly committed the offense in a county other than the defendant's county of residence.

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