

SENATE BILL 399

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 37,
Chapter 1, Part 1, relative to the transfer of certain
juveniles to adult court.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-134, is amended by adding the following new, appropriately designated subsection:

(l)

(1) This subsection (l) shall be known and may be cited as “Gordon’s Law.”

(2) Except as provided in subdivision (l)(3), if a petition has been filed alleging delinquency based on conduct committed on or after July 1, 2015, that, if committed by an adult, would constitute one (1) of the offenses listed in subdivision (a)(1) or § 40-35-121, and the child has one (1) or more prior adjudications of delinquency for conduct that, if committed by an adult, would constitute one (1) of the offenses listed in subdivision (a)(1) or § 40-35-121, the judge shall transfer the child to the sheriff of the county to be held according to law and to be dealt with as an adult in a criminal court of competent jurisdiction.

(3) Subdivision (l)(2) shall not apply, and a transfer to adult court shall be discretionary with the judge as provided in subsection (a) if:

(A) The conduct committed by the child was, if committed by an adult, one (1) of the sexual offenses listed in subdivision (a)(1);

(B) Both the child engaging in the conduct and the victim are juveniles; and

(C) The difference in age between the child engaging in the conduct and the victim is no more than two (2) years.

(4) This subsection (l) is applicable to a child if the conduct requiring the transfer is engaged in on or after July 1, 2015, and the child has the specified prior finding of delinquency, regardless of when the conduct resulting in the prior finding occurred.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.