

SENATE BILL 1735

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6; Title 40, Chapter 11, Part 1 and Section 40-32-101, relative to domestic abuse.

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

SECTION 1. Tennessee Code Annotated, Section 36-3-602, is amended by deleting subsection (c) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 40-11-150, is amended by adding the following as a new subsection:

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(1) Following the arrest of a person for any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a domestic abuse victim as defined in § 36-3-601, the court or magistrate shall make a finding whether there is probable cause to believe the respondent either:

(A) Caused serious bodily injury, as defined in § 39-11-106, to the alleged domestic abuse victim; or

(B) Used or displayed a deadly weapon, as defined in § 39-11-106.

(2) If the court or magistrate finds probable cause to believe that one (1) or both of the circumstances in subdivision (1) did occur, unless the court or magistrate finds that the offender no longer poses a threat to the alleged victim or public safety, the court or magistrate shall impose the twelve-hour hold period and victim notification requirements in accordance with subsection (h).

(3) Prior to the offender's release on bond, the court or magistrate shall issue a no contact order containing all of the bond conditions set out in this section that are applicable to the protection of a domestic abuse victim.

SECTION 3. Tennessee Code Annotated, Section 40-32-101, is amended by deleting the language "following a hearing conducted pursuant to § 36-3-605," in subdivision (a)(5).

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.