

SENATE BILL 1844

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to sentencing guidelines.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following language as a new, appropriately designated section:

40-35-1___. Notwithstanding any other provision of law to the contrary, for any felony conviction occurring after the effective date of this act, the following sentencing requirements shall apply:

(1) The defendant may enter into a plea agreement for a first felony conviction but may not enter into a plea agreement on any subsequent felony conviction;

(2) For a second felony conviction, when applying the sentence ranges in accordance with § 40-35-112, the defendant shall be sentenced at least at the fiftieth percentile of the appropriate range for the specific offense committed;

(3) For a third felony conviction, when applying the sentence ranges in accordance with § 40-35-112, the defendant shall be sentenced at least at the seventy-fifth percentile of the appropriate range for the specific offense committed; and

(4) For the fourth or any subsequent felony conviction, when applying the sentence ranges in accordance with § 40-35-112, the defendant shall be sentenced to the maximum sentence of the appropriate range for the specific offense committed.

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