

SENATE BILL 2085

By Rose

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 1, relative to assault.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-116, is amended by deleting the section and substituting instead the following:

(a) A person commits assault against a first responder or other licensed emergency healthcare provider, who is discharging or attempting to discharge the first responder's or other licensed emergency health provider's official duties, when the person:

(1) Knowingly causes bodily injury to the first responder or other emergency healthcare provider; or

(2) Knowingly causes physical contact with a first responder or other licensed emergency healthcare provider and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of the first responder or other emergency healthcare provider.

(b) Assault under subsection (a) is a Class A misdemeanor, and shall be punished by a mandatory fine of five thousand dollars (\$5,000) and a mandatory minimum sentence of ninety (90) days incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire ninety-day mandatory minimum sentence.

(c) A person commits aggravated assault against a first responder or other licensed emergency healthcare provider, who is discharging or attempting to discharge the first responder's or other licensed emergency healthcare provider's official duties, when the person knowingly commits an assault under subsection (a), and the assault:

- (1) Results in the death of the first responder or other licensed emergency healthcare provider;
- (2) Results in serious bodily injury to the first responder or other licensed emergency healthcare provider;
- (3) Involved the use or display of a deadly or dangerous item or weapon, including, but not limited, to a motor vehicle;
- (4) Involved strangulation, attempted strangulation, detainment, or another means of physical restraint; or
- (5) Involved throwing an item at the first responder or other licensed emergency healthcare provider that strikes the first responder or emergency healthcare provider causing bodily injury that requires medical care.

(d)

(1) Aggravated assault under subdivision (c)(1) is a Class A felony, and shall be punished by a mandatory fine of fifty thousand dollars (\$50,000) and a mandatory minimum sentence of fifteen (15) years incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire fifteen-year mandatory minimum sentence.

(2) Aggravated assault under subdivisions (c)(2)-(5) is a Class C felony, and is punished by a mandatory fine of ten thousand dollars (\$10,000) and a mandatory minimum sentence of one hundred eighty (180) days incarceration.

The defendant is not eligible for release from confinement until the defendant has served the entire one-hundred-eighty-day mandatory minimum sentence.

(e) As used in this section:

(1) "First responder":

(A) Means a firefighter, emergency services personnel, POST-certified law enforcement officer, or other person who responds to calls for emergency assistance from a 911 call; and

(B) Includes capitol police officers, Tennessee highway patrol officers, Tennessee bureau of investigation agents, Tennessee wildlife resources agency officers, and park rangers employed by the division of parks and recreation in the department of environment and conservation; and

(2) "Other licensed emergency healthcare provider" means a person who is licensed, registered, or certified to provide health care in an emergency, including, but not limited to, doctors and nurses.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.