

SENATE BILL 2178

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14, relative to vandalism.

WHEREAS, the State has an interest in protecting the free flow of commerce and merchandise within this State's economy; and

WHEREAS, intentional and reckless acts causing damage to someone else's property should be punished; and

WHEREAS, the State has an interest in protecting retailers from individual or organized crimes of vandalism; and

WHEREAS, by preventing vandalism, the State is protecting the public interest in free and open retail activity; now, therefore,

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

SECTION 1. Tennessee Code Annotated Section 39-14-408, is amended by deleting subsections (b) and (c) in their entirety and by substituting instead the following:

(b) A person commits the offense of retail vandalism who intentionally, knowingly or recklessly causes damage to or the destruction of any business-related real or personal property if the person does not have the owner's effective consent to cause such damage or destruction and either:

(1) The property is used by its owner in the owner's profession, business, trade, or occupation; or

(2) The person defaces, marks upon or causes damage to the owner's merchandise or equipment.

(c) Aggravated retail vandalism is retail vandalism committed by polluting an owner's merchandise.

(d) Organized retail vandalism is retail vandalism committed by a person who knowingly organizes, coordinates, controls, supervises, finances, manages, aids or abets retail vandalism as part of an organized retail vandalism enterprise.

(e) For the purposes of this section:

(1) "Damage" includes, but is not limited to:

(A) Destroying, polluting or contaminating property; or

(B) Tampering with property and causing pecuniary loss or substantial inconvenience to the owner or a third person;

(2) "Merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer;

(3) "Organized retail vandalism enterprise" means an enterprise as defined in § 39-12-203 engaged in retail vandalism;

(4) "Owner" includes a person who legally possesses or owns property; and

(5) "Polluting" is the contamination by manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of the atmosphere, water, or soil to the material injury of the right of another. Pollutants include dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste.

(f)

(1) Acts of vandalism, including retail vandalism, are to be valued according to the provisions of § 39-11-106(a)(36) and punished as theft under §39-14-105.

(2) Aggravated retail vandalism is:

(A) A Class C felony if committed intentionally or knowingly; or

(B) A Class D felony if committed recklessly.

(3) Organized retail vandalism is a Class E felony.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.