

SENATE BILL 2250

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to driving under the influence.

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

SECTION 1. Tennessee Code Annotated, Section 55-10-402(f), is amended by deleting subdivisions (f)(1) and (2) and substituting:

(1) An offender sentenced to a period of incarceration for a violation of § 55-10-401, shall be required to commence service of the sentence within thirty (30) days of conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse within such time, as soon as such space is available.

(2)

(A) As used in this subsection (f), "alternative facilities" include, but are not limited to, vacant schools or office buildings or any other building or structure that would be suitable for housing DUI offenders for short periods of time on an as-needed basis and licensed through the department of mental health and substance abuse services for the state.

(B) The court may authorize the use of alternative facilities for the incarceration of an offender convicted of a violation of § 55-10-401 and sentenced pursuant to subdivision (a)(1).

(C)

(i) The court may approve a private, appropriately licensed substance abuse treatment program as an "alternative facility." If a person is ordered to participate in a court-approved private, appropriately

licensed substance abuse treatment program, then that person shall be responsible for the cost and fees involved with the program, whether it be a prepayment or pay as you go program. The court does not have the authority to order the expenditure of public funds to provide for participation in such a program. However, if a person ordered to participate in such a program is indigent, the court may allow the person, subject to availability of services, to enter any program that provides the treatment without cost to an individual.

(ii) A local governmental entity is immune from liability for a cause of action or claim for damages arising out of a person's participation in a private, appropriately licensed substance abuse treatment program approved by the court as an alternative facility under this subdivision (f)(2)(C).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.