

SENATE BILL 2632

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to criminal procedure.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-311(a), is amended by deleting the subsection and substituting:

(a)

(1) Whenever it comes to the attention of the trial judge that a defendant who has been released upon suspension of sentence has been guilty of any breach of law or has violated the conditions of probation, the trial judge shall have the power to issue:

(A) For a technical violation and subject to the discretion of the judge, a criminal summons; or

(B) A warrant for the arrest of the defendant as in any other criminal case.

(2) Regardless of whether the defendant is on probation for a misdemeanor or felony, or whether the warrant or summons is issued by a general sessions court judge or the judge of a court of record, a probation officer or any peace officer of the county in which the probationer is found may execute the warrant or summons.

SECTION 2. Tennessee Code Annotated, Section 40-35-311(b), is amended by deleting the language "Whenever any person is arrested" and substituting "Whenever a person is arrested or summoned".

SECTION 3. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subdivision (d)(3).

SECTION 4. Tennessee Code Annotated, Section 40-35-311, is amended by adding the following as a new subsection:

(g) As used in this section, "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision matrix, or absconding.

SECTION 5. This act takes effect July 1, 2022, the public welfare requiring it.