

SENATE BILL 2800

By Faulk

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6 and Title 39, Chapter 13, Part 1, relative to domestic assault committed in the presence of a child.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-102, is amended by adding the following language as a new subsection:

(f)

(1) A person commits aggravated assault who commits domestic assault, as defined in § 39-13-111, in the presence of a child who is thirteen (13) years of age or younger.

(2) Aggravated assault under subdivision (f)(1) is a Class E felony.

(3) In addition to the punishment in subdivision (f)(2), the perpetrator of the domestic assault shall be ordered to pay for any counseling that may be required for the child who observed the domestic assault.

SECTION 2. Tennessee Code Annotated, Section 39-13-111(c), is amended by adding the following language at the end of subdivision (2):

If the domestic assault is committed in the presence of a child thirteen (13) years of age but less than eighteen (18) years of age, the court shall enhance the defendant's sentence within the appropriate range.

SECTION 3. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following language as a new subsection (e):

(e)

(1) When a law enforcement officer investigates a domestic assault committed in the presence of a minor child, the law enforcement officer may notify the department of children's services for the purposes of having the department initiate a child abuse investigation for the protection of the child in accordance with title 37, chapter 1, part 4. Such report shall be deemed to be a report of harm filed under § 37-1-403.

(2) In making a determination of whether to file a report, the law enforcement officer shall consider at least the following factors:

(A) The age of the child;

(B) The physical or mental condition of the child as observed by the law enforcement officer during the investigation of the domestic assault;

(C) The physical circumstances in the home observed by the law enforcement officer; and

(D) Any other factors which, in the law enforcement officer's discretion, would justify the filing of a report pursuant to subdivision (e)(1).

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.