

Amendment No. 1 to SB1233

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1233*

House Bill No. 1232

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-418(c), is amended by adding the following as a new subdivision:

(3)

(A) A violation of subsection (a) with respect to any amount of fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil shall be punished by confinement for not less than thirty (30) days, and the person shall serve at least one hundred percent (100%) of the thirty-day minimum.

(B)

(i) The thirty-day minimum sentence required by subdivision (c)(3)(A) does not prohibit a person sentenced pursuant to this subsection (c) from participating in a drug or recovery court that is certified by the department of mental health and substance abuse services or another licensed treatment program.

(ii) A person participating in such a court or program may receive sentence credit for up to the full thirty-day minimum required by subdivision (c)(3)(A).

(iii) For persons sentenced under subdivision (c)(3)(A) with clinical assessment results indicating the need to participate in a drug or recovery court or treatment program, the court shall

strongly consider ordering service of the sentence through participation in a drug or recovery court or program permitted under subdivision (c)(3)(B)(i) instead of through confinement, unless the court determines the person is not suitable for, or otherwise cannot participate in, such a court or program.

SECTION 2. Tennessee Code Annotated, Section 40-7-118(b)(2), is amended by adding the following as a new subdivision:

(C) This subsection (b) does not apply to a violation of § 39-17-418(a) with respect to any amount of fentanyl, carfentanil, remifentanil, alfentanil, or thiafentanil.

SECTION 3. Tennessee Code Annotated, Section 36-3-601(3), is amended by adding the following new subdivision (3)(F) and redesignating the current subdivision (3)(F) appropriately:

(F) For purposes of § 36-3-627, "court" includes a court with criminal jurisdiction as provided in § 36-3-627(b)(2);

SECTION 4. Tennessee Code Annotated, Section 36-3-627(b), is amended by redesignating the subsection as subdivision (b)(1) and adding the following new subdivision:

(2)

(A) A victim may file a petition, prior to the respondent's conviction for an offense listed in subdivision (a)(1), with the court with criminal jurisdiction over the respondent's trial for the offense on which the petition is based. The court shall cause a copy of the petition to be served upon the respondent, with notice that a hearing on the petition will be held immediately following the entry of judgment, if the respondent is convicted of the offense on which the petition is based; provided, however, that a hearing must not occur for at least five (5) days from the date of service.

(B) The court must hold the petition until the conclusion of the criminal trial. If the respondent is not convicted of the offense on which the petition is

based, then the court shall dismiss the petition. If the respondent is convicted of the offense on which the petition is based, then the court shall hold a hearing pursuant to subsection (e) immediately following the entry of judgment.

SECTION 5. Tennessee Code Annotated, Section 38-1-102, is amended by deleting the section and substituting:

(a) It is unlawful for any person to touch, disturb, move, or remove the body, clothing, personal effects, or weapons of, at, or near any person who has died or reasonably appears to have died from wounds or injuries inflicted by means of a knife, pistol, gun, or other deadly weapon, or by other means of violence, drowning, suffocation, poison, hanging, or overdose until the immediate notification and arrival on the death scene or place where such body is found, of the chief of police, or the chief of police's lawful representative, if the body is found in an incorporated town or city, or of the sheriff or the sheriff's lawful representative, if the body is found in the county outside the corporate limits of any incorporated town or city or of the district attorney general or a member of the district attorney general's staff of the judicial district in which such body is found.

(b) A person does not violate subsection (a) by administering naloxone or other opioid antagonist to an individual experiencing a drug-related overdose.

SECTION 6. This act takes effect July 1, 2025, the public welfare requiring it.