

CHAPTER NO. 627

SENATE BILL NO. 1764

By Curtis S. Person, Jr., Herron, Norris, Ford, Cohen, Kyle, Bowers, Jackson

Substituted for: House Bill No. 1360

By John Deberry, Sargent, Pleasant, Todd, DuBois

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 24, relative to services to victims of crime.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 24, is amended by adding the following language as a new, appropriately designated section:

§ 40-24-109.

(a) The county legislative body of any county may elect to establish a program to assist victims of crime, their families and survivors or to provide funding or additional funding for an existing program established to assist victims. The type of programs for which this section may be utilized includes rape crisis centers, domestic violence shelters, victim of crime hotlines and information programs, individual, group and family counseling services, crisis intervention programs, support groups and other similar programs designed to assist victims of crime, their families or survivors.

(b) (1) If a county legislative body elects to establish or fund a program as authorized by this section, it shall, at the time of such election, designate the program for which the assessment provided in subsection (c) will be used.

(2) No assessment authorized by subsection (c) shall be collected or transmitted until the county legislative body has elected to utilize this section and has designated the victim of crime program for which it will be dedicated.

(c) The clerks of all courts of general sessions, circuit and criminal courts, municipal courts exercising general sessions court jurisdiction and any other court exercising similar criminal jurisdiction shall collect a "victims assistance assessment" in the sum of forty-five dollars (\$45.00) from any person who:

(A) Enters a plea of guilty;

(B) Is found guilty by a judge or jury;

(C) Enters a plea of nolo contendere;

(D) Enters a plea pursuant to any of the diversionary sentencing statutes to any criminal offense described in subsection (d);

(E) Is found guilty, or enters a plea of guilty or nolo contendere to the offense of attempting or conspiring to commit any such offense; or

(F) Is found to be criminally responsible as principal for the commission of any such offense.

(d) Except as provided in subsection (e), the provisions of subsection (c) shall apply to any conduct made criminal by the laws of this state.

(e) This section shall not apply to:

(1) Crimes for which the law imposes as a maximum possible punishment a fine of less than five hundred dollars (\$500) and no imprisonment; and

(2) Violations of the motor vehicle laws except driving under the influence of an intoxicant as prohibited by § 55-10-401, or reckless driving as prohibited by § 55-10-205, where the reckless driving was proximately caused by the use of an intoxicant.

(f) Whether a person convicted of a crime is exempted from payment of the assessment imposed by this section shall be determined by the offense for which such person was convicted and the maximum possible sentence authorized by law for such offense rather than the sentence such person actually receives.

(g) (1) The victims assistance assessment shall be subject to the provisions of § 8-21-401 and shall be in addition to all other taxes, costs, and fines. The first three dollars (\$3.00) of each such assessment shall be paid to the clerk of the court imposing the assessment for processing and handling. The remaining forty-two dollars (\$42.00) shall be transmitted to the county in which the offense occurred for the exclusive use of the victims assistance program previously designated by the county legislative body.

(2) Upon transmittal to the victims program in such county, all funds collected pursuant to this section shall be used to defray the costs of providing the services to victims of crime designated by the program's mission statement and guidelines.

SECTION 2. For the purpose of a county establishing or designating a victim assistance program and approving the victims assistance assessment as authorized by this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect upon the approval and program designation of each county.

PASSED: April 26, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 12th day of May 2006


PHIL BREDESEN, GOVERNOR