

**PUBLIC CHAPTER NO. 311****HOUSE BILL NO. 458****By Representative Sontany****Substituted for: Senate Bill No. 792****By Senators Woodson, Burchett, Wilder, Lowe Finney, Tate, Burks, Harper,  
Raymond Finney**

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Title 40, Chapter 35, Part 3, relative to alcohol and drug treatment for certain offenders.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-303(d), is amended by adding the following language as a new, appropriately designated subdivision:

( )

(A) Undergo an alcohol and drug assessment, treatment, or both an assessment and treatment, if the court deems it appropriate and such licensed treatment service is available;

(B) Unless the court makes a specific determination that the person is indigent, the expense of such assessment and treatment shall be the responsibility of the person receiving it. If the court finds that the person is indigent under the same standards as used in § 55-10-403(a)(4)(B), the expense or some portion of the expense may be paid from the alcohol and drug addiction treatment fund provided in § 40-33-211, pursuant to a plan and procedures developed by the department of health.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new, appropriately designated section:

(a) In addition to all other fines, fees, costs and punishments now prescribed by law, an alcohol and drug addiction treatment fee of one hundred dollars (\$100) shall be assessed for each conviction for a violation under this part.

(b) All proceeds collected pursuant to subsection (a) shall be transmitted to the commissioner of health for deposit in the alcohol and drug addiction treatment fund administered by the department.

(c)

(1) All state funding to implement this act shall be paid only from the alcohol and drug addiction treatment fund.

(2) Funds expended pursuant to the provisions of this act shall not exceed the funds generated by the provisions of this act, and that if necessary, treatment offered pursuant to this act shall not be available if such treatment would result in expenditures in excess of the amount so generated.

SECTION 3. This act shall take effect on July 1, 2007, the public welfare requiring it, and shall apply to any conviction for conduct occurring on or after that date.

**PASSED: May 16, 2007**

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 31st day of May 2007**

  
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PHIL BREDESEN, GOVERNOR