



**State of Tennessee**  
**PUBLIC CHAPTER NO. 487**

**HOUSE BILL NO. 718**

**By Representatives Shipley, Don Miller, Hurley, Halford, Watson, Bass, Hardaway, Dean**

**Substituted for: Senate Bill No. 1269**

**By Senator Beavers**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, relative to the setting of bail in certain cases.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118, is amended by deleting the fourth and fifth sentences of subsection (a).

SECTION 2. Tennessee Code Annotated, Section 40-11-118, is amended by adding the following new subsection:

(d)

(1) When the court is determining the amount and conditions of bail to be imposed upon a defendant, the court shall consider the use of special conditions for the defendant, including, but not limited to, the conditions set out in subdivision (d)(2), if the defendant is charged with a violation of § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401, and the defendant has one (1) or more prior convictions for a violation of § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401.

(2) The special conditions the court shall consider pursuant to subdivision (d)(1) are:

(A) The use of ignition interlock devices;

(B) The use of transdermal monitoring devices or other alternative alcohol monitoring devices;

(C) The use of electronic monitoring with random alcohol or drug testing; or

(D) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

(3) As used in this subsection, "court" includes any person authorized by § 40-11-106 to take bail.

SECTION 3. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) When the court is determining the amount and conditions of bail to be imposed upon a defendant who is charged with a violation of § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401, the court shall consider the use of special conditions for such defendant, including, but not limited to, the conditions set out in subdivision (b)(2), if the offense for which bail is being set was committed while the defendant was released on bail for a prior charge of violating § 39-13-106, § 39-13-213(a)(2), 39-13-218 or § 55-10-401.

**HB 718**

(2) The special conditions the court shall consider pursuant to subdivision (b)(1) are:

(A) The use of an Ignition interlock device;

(B) The use of a transdermal monitoring device or other alternative alcohol monitoring devices;

(C) The use of electronic monitoring with random alcohol or drug testing; or

(D) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

(3) As used in this subsection, "court" includes any person authorized by § 40-11-106 to take bail.

SECTION 4. This act shall take effect on July 1, 2011, the public welfare requiring it.

HOUSE BILL NO. 718

PASSED: May 20, 2011

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
\_\_\_\_\_  
RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 16th day of June 2011

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR