

HOUSE BILL 718

By Shipley

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) and substituting instead the following:

If the defendant has one (1) or more prior convictions for § 39-13-106, § 39-13-213(a)(2) or § 55-10-401, the defendant shall not be released unless the judge or magistrate first determines the defendant is not a danger to the community. If the defendant poses a danger to the community, the judge or magistrate shall set conditions on the bond to attempt to eliminate the danger. The judge or magistrate may consider the use of monitoring devices to eliminate danger to the community including, but not limited to:

- (1) Ignition interlock devices;
- (2) Transdermal monitoring devices or other alternative alcohol monitoring devices;
- (3) Electronic monitoring with random alcohol or drug testing; or
- (4) Pretrial residency in an in-patient alcohol or drug rehabilitation center.

SECTION 2. Tennessee Code Annotated, Section 40-11-148, is amended by deleting the second sentence of subsection (b) and substituting instead the following:

The defendant shall not be released with another bail until the judge or judicial commissioner sets conditions on the bond to attempt to eliminate the danger posed by the defendant.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.