

HOUSE BILL 2678

By Carr

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 40 and Title 55, relative to the procedure  
following commission of certain traffic offenses.

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

SECTION 1. Tennessee Code Annotated, Section 40-11-118, is amended by adding the following language as a new, appropriately designated subsection:

(e) After an inquiry pursuant to § 40-7-123 into the citizenship status of a defendant who is arrested for causing a traffic accident resulting in either the death or serious bodily injury, as defined in § 55-50-502, of another while driving without a valid driver license and evidence of financial responsibility as required by § 55-12-139, if it is determined that the defendant is not lawfully present in the United States, when determining the amount of bail, the defendant shall be deemed a risk of flight.

SECTION 2. Tennessee Code Annotated, Section 40-11-105(b), is amended by deleting the language "In no event" and by substituting instead the language "Except as provided in subsection (c), in no event".

SECTION 3. Tennessee Code Annotated, Section 40-11-105, is amended by adding the following language as a new subsection (c):

(c) A clerk may set the amount of bail in excess of the listed amounts in subsection (b) if the defendant is deemed a risk of flight pursuant to § 40-11-118.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.