

SENATE BILL 319

By Harris

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4, relative to drug-free school
zones.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-432, is amended by adding
the following new subsection:

(h)

(1) It is an affirmative defense to a violation of subsection (b) that the
offense occurred on the grounds or facilities of any school or within one thousand
feet (1,000') of the real property that comprises a public or private elementary
school, middle school, secondary school, preschool, child care agency, or public
library, recreational center, or park if the law enforcement officer or agent of the
law enforcement agency, including a confidential informant:

(A) Selected, requested, or suggested the location where the
offense was committed; or

(B) Took other strategic actions to lure the defendant into
committing the offense in a location described in subsection (b).

(2) If the defendant successfully asserts and proves the defense
provided in this subsection (h), but is convicted of the underlying drug offense,
the trial court shall sentence the defendant from within the appropriate range for
the underlying drug offense under § 39-17-417.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.