

HOUSE BILL 760

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4 and Title 40, Chapter 7, relative
to simple possession of a controlled substance.

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

SECTION 1. Tennessee Code Annotated, Section 40-7-118(b), is amended by adding
the following as a new subdivision:

(4) A peace officer shall issue a citation to the arrested person to appear in court
in lieu of the continued custody and the taking of the arrested person before a magistrate
if a person is arrested solely for the offense of simple possession, as prohibited by § 39-
17-418, and the offense is a misdemeanor violation. This subdivision (b)(4) shall not
apply if the officer determines, based on the arrested person's previous failure or failures
to appear in court, that a reasonable likelihood exists that the arrested person will fail to
appear in court.

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