

HOUSE BILL 870

By Gillespie

AN ACT to amend Tennessee Code Annotated, Title 28;
Title 29 and Title 40, relative to victim
compensation.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-304, is amended by deleting subsection (h) and substituting:

(h) An order for restitution entered by the sentencing court is a final civil judgment at the time of entry and remains in effect from the date of entry until the restitution is paid in full or otherwise discharged. The order for restitution is entitled to be enforced as any other judgment of a court of this state and is entitled to full faith and credit in this state and in any other state. Judgment orders in criminal dispositions involving restitution must reflect this requirement.

(i) The clerk's office shall apply the first moneys paid on a case toward restitution until restitution is paid in full and prior to the allocation of moneys toward any other obligations, notwithstanding § 40-24-105 or any other law to the contrary.

SECTION 2. Tennessee Code Annotated, Section 40-38-102, is amended by deleting subsection (c) and substituting:

(c) Victims of crime have the right to collect court-ordered restitution as a civil judgment under § 40-35-304(h), or in the same manner as a civil judgment, as authorized pursuant to § 37-1-131(b)(2).

SECTION 3. Tennessee Code Annotated, Section 28-3-110, is amended by deleting subdivision (b)(1)(C) and substituting:

(C) The civil judgment is an order of restitution entered pursuant to § 40-35-304.

SECTION 4. Tennessee Code Annotated, Section 29-13-108(a), is amended by deleting the language "one (1) year" wherever it appears and substituting "two (2) years".

SECTION 5. This act takes effect July 1, 2021, the public welfare requiring it.