

Amendment No. 1 to SB1135

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1135

House Bill No. 1050*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 29-3-101, is amended by adding the following new subsection:

(f)

(1) The occurrence of any of the circumstances described in subdivision (f)(2), or any combination thereof, is prima facie evidence of a nuisance per se and the existence thereof for which any of the respective officers or persons named in § 29-3-102 in the name of the state may avail themselves of any remedies available at law or in equity.

(2) Prima facie evidence of a nuisance and the existence thereof is established when any of the respective officers or persons named in § 29-3-102 notifies the owner of a place or property in writing of:

(A) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that result in sexually related charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in a sexually related charge that is the subject of such notice, another additional unrelated incident occurs that results in a sexually related charge;

(B) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that

result in drug-related charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in a drug-related charge that is the subject of such notice, another additional unrelated incident occurs that results in a drug-related charge;

(C) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that result in assaultive charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in an assaultive charge that is the subject of such notice, another additional unrelated incident occurs that results in an assaultive charge;

(D) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that result in firearm-related charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in a firearm-related charge that is the subject of such notice, another additional unrelated incident occurs that results in a firearm-related charge; or

(E) Three (3) or more unrelated incidents occurring within a period of thirty-six (36) months on the same parcel of real property that result in property-related or juvenile-related charges and, after the receipt of such notice and within thirty-six (36) months of the first of the incidents resulting in a property-related or juvenile-related charge that is the subject of such notice, another additional unrelated incident occurs that results in a property-related or juvenile-related charge.

SECTION 2. Tennessee Code Annotated, Section 29-3-110, is amended by adding the following new subsection:

(f)

(1) If, upon the trial, the existence of a nuisance is established under § 29-3-101(f) and, following an order of abatement, an additional incident occurs on the same parcel of real property that results in the type of charges that resulted in the original nuisance finding, then one (1) additional incident is prima facie evidence of a nuisance per se and the existence thereof for which any of the respective officers or persons named in § 29-3-102 in the name of the state may avail themselves of any remedies available at law or in equity.

(2) If the court finds a nuisance as described in subdivision (f)(1) and the person or entity keeping, maintaining, or carrying on such nuisance is the person or entity who was subject to the previous order of abatement, then, in addition to the remedies available at law or in equity, the court may require the person or entity keeping, maintaining, or carrying on such nuisance to pay statutory damages in an amount not less than one thousand dollars (\$1,000) and not more than fifty thousand dollars (\$50,000) to any person who owns real property within the zip code in which the nuisance exists and who files a claim with the court alleging that the person's property value was damaged by the continued existence of the nuisance.

SECTION 3. Tennessee Code Annotated, Section 29-3-101(a), is amended by adding the following new subdivisions:

() "Assaultive charge" means an arrest for violation of § 39-13-101, § 39-13-102, § 39-13-103, § 39-13-109, § 39-13-111, § 39-13-113, § 39-13-116, § 39-16-515, § 39-16-602, § 39-16-603, § 39-17-302, § 39-17-303, § 39-17-304, § 39-17-305, § 39-17-308, § 39-17-313, or § 39-17-315;

() "Drug-related charge" means an arrest for violation of § 39-13-210(a)(3), § 39-15-402(a)(2) or (4), § 39-17-417, § 39-17-418, § 39-17-422, § 39-17-423, § 39-17-425, § 39-17-432, § 39-17-433, § 39-17-434, § 39-17-435, § 39-17-438, § 39-17-452, §

39-17-453, § 39-17-454, § 39-17-455, § 39-17-456, § 53-11-402, § 53-10-104, or § 53-10-105;

() "Firearm-related charge" means an arrest for violation of § 39-14-702, § 39-17-1303, § 39-17-1304, § 39-17-1307, § 39-17-1319, § 39-17-1320, § 39-17-1321, § 39-17-1324, or § 39-17-1362;

() "Property-related or juvenile-related charge" means an arrest or, for juveniles, a detention for violation of § 39-14-505, § 39-15-403, § 39-15-404, § 39-15-408, § 39-17-502, § 39-17-503, § 39-17-504, § 39-17-505, § 39-17-1504, § 39-17-1505, or § 37-1-156;

() "Sexually related charge" means an arrest for violation of § 39-13-513, § 39-13-514, § 39-13-515, § 39-13-516, § 39-13-517, § 39-17-902, § 39-17-909, § 39-17-910, § 39-17-911, § 39-17-914, § 39-17-918, §§ 39-17-1003 - 39-17-1005, § 40-39-211(f), or § 40-39-215;

SECTION 4. This act takes effect July 1, 2025, the public welfare requiring it.