

SENATE BILL 1850

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 41, relative to Schedule VI
controlled substances.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-418, is amended by deleting subsections (a)-(d) and substituting instead the following:

(a)

(1) It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.

(2) Except as otherwise provided in this section, a violation of this subsection (a) is a Class A misdemeanor unless the substance possessed or exchanged is marijuana, in which case a violation of this subsection (a) is a Class C misdemeanor.

(b) It is an offense for a person to distribute marijuana in an amount of one-half (½) ounce (14.175 grams) or less. A violation of this subsection (b) is a Class C misdemeanor.

(c)

(1) A violation of subsection (a) with respect to any amount of methamphetamine shall be punished by confinement for not less than thirty (30) days, and the person shall serve at least one hundred percent (100%) of the thirty-day minimum.

(2)

(A) The thirty-day minimum sentence required by subdivision (c)(1) shall not be construed to prohibit a person sentenced pursuant to this subsection (c) from participating in a drug or recovery court that is certified by the department of mental health and substance abuse services.

(B) Any person participating in such a court may receive sentence credit for up to the full thirty-day minimum required by subdivision (c)(1).

(d) A violation of subsection (a) or (b), where there is casual exchange of a controlled substance, or a distribution of marijuana, to a minor from an adult who is at least two (2) years the minor's senior, and who knows that the person is a minor, is punished as a felony as provided in § 39-17-417.

SECTION 2. Tennessee Code Annotated, Section 39-17-428(b), is amended by deleting subdivisions (1) and (2) in their entireties and is further amended by deleting subdivision (3) and substituting instead the following:

(3) Third or subsequent conviction for a misdemeanor drug offense involving a scheduled controlled substance other than Schedule VI 1,000

SECTION 3. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

Notwithstanding any law to the contrary, an inmate who is a nonviolent offender serving a sentence for a Class A misdemeanor conviction under § 39-17-418 for the possession, exchange, or distribution of marijuana is eligible for early release from confinement for that sentence after thirty (30) days served.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and the calculation of release eligibility under Section 3 applies to time served before, on, and after the effective date of this act.