



## THE INFORMANT NEWSLETTER

A biweekly newsletter for the Tennessee constituent

# TN Bills 12/14/17–01/11/18

**HB1471 —** “As introduced, increases the penalty for any aggravated assault or homicide that occurs by a person discharging a firearm from within a motor vehicle and the victim is a minor at the time of the offense; names act the “JaJuan Latham Act”. — Amends TCA Title 39, Chapter 13, Part 1 and Title 39, Chapter 13, Part 2.”

Bill Introduced: 12/19/2017

Bill Contents: As introduced, increases the penalty for any aggravated assault or homicide that occurs by a person discharging a firearm from within a motor vehicle and the victim is a minor at the time of the offense; names act the “JaJuan Latham Act”. — Amends TCA Title 39, Chapter 13, Part 1 and Title 39, Chapter 13, Part 2.

Bill Text: <https://legiscan.com/TN/text/HB1471/2017>

Bill Summary: This bill creates a penalty increase for assault or homicide. This penalty increase is reliant on two criteria: 1) The shooter is in a vehicle 2) The victim is a minor. Most offenders with this type of crime are considered what is called a “Range II offender,” but (if the gunman fits these two criteria) this new bill allows for the individual to be bumped up to a “range III offender.” The difference between these two ranges is that “range III” can have greater sentencing.

Bill Impact: The purpose is to help end gang violence. This act is named after JaJuan Latham, a 12 year old boy who was shot and killed being a subject of gang violence. This bill specifically is trying increase penalties for people involved in “hit and runs.”

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**HJR0591 — “Proposes additional language in Article II, Section 28 to**

**prohibit the general assembly from levying, authorizing, or otherwise permitting any state tax on property.”**

Resolution Introduced: 12/19/2017

Resolution Contents: Proposes additional language in Article II, Section 28 to prohibit the general assembly from levying, authorizing, or otherwise permitting any state tax on property.

Resolution Text: <https://legiscan.com/TN/text/HJR0591/2017>

Resolution Summary: Although there is no property tax in the state of Tennessee, the state legislature has the ability to tax property. Up until 1949, the state did in fact tax private property. This resolution amends the TN Constitution making it a set-in-stone law that the state legislature cannot permit any state tax on property.

Resolution Impact: Although this doesn't affect the taxpayer's wallet at this particular moment, this has an enormous impact for the future of Tennessee. This makes taxing private property by the legislature unconstitutional. Therefore, any future bills that would try and tax property will be considered unconstitutional and not become law.

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**HB1469—“As introduced, permits the sale and giving away of wine in licensed retail food stores during certain hours of certain holidays.— Amends TCA Title 57, Chapter 3.**

Bill Introduced: 12/15/2017

Bill Contents: As introduced, permits the sale and giving away of wine in licensed retail food stores during certain hours of certain holidays.— Amends TCA Title 57, Chapter 3.

Bill Text: <https://legiscan.com/TN/text/HB1469/2017>

Bill Summary: On many holidays in Tennessee, the sale of wine has been prohibited in many retail food stores. This bill now makes it legal for retail food stores to sell wine on certain holidays. These specific days include: New Year's Day, Martin Luther King Jr. Day, Washington Day, Memorial Day, July 4th, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and Good Friday.

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**HB1467 — “As introduced, creates the Class C felony offense of reckless endangerment by discharging a firearm into a group of 25 or more people who are lawfully assembled. — Amends TCA Title 39, Chapter 13, Part 1.”**

Bill Introduced: 12/14/2017

Bill Contents: As introduced, creates the Class C felony offense of reckless endangerment by discharging a firearm into a group of 25 or more people who are lawfully assembled. — Amends TCA Title 39, Chapter 13, Part 1.

Bill Text: <https://legiscan.com/TN/text/HB1467/2017>

Bill Summary: This bill makes it illegal to fire a gun into a group of 25+ people who are lawfully assembled. Circumstances may be a concert, religious gathering, political event, etc. This bill makes this crime a Class C felony, which results in 3–15 years in prison.

Bill Impact: This bill provides a sentencing impact. This will not necessarily prevent any shootings, but it provides a distinction for sentencing and harsher consequences for people attempting to fire a weapon into large crowds.

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**HB0892 — As introduced, enacts the “Tennessee Natural Marriage Defense Act,” which states the policy of Tennessee to defend natural marriage between one man and one woman regardless of any court decision to the contrary. — Amends TCA Title 36.**

Bill Introduced: 02/09/2017 [Placed on Subcommittee for 01/17/18]

Bill Contents: As introduced, enacts the “Tennessee Natural Marriage Defense Act,” which states the policy of Tennessee to defend natural marriage between one man and one woman regardless of any court decision to the contrary. — Amends TCA Title 36.

Bill Text: <https://legiscan.com/TN/text/HB0892/2017>

Bill Summary: This bill defines marriage as a union between one man and one woman. Despite the recent ruling in 2015, Obergefell v. Hodges, which legalized

same-sex marriage in all 50 states, Tennessee lawmakers have proposed legislation that will disregard that ruling. Not just this 2015 ruling, but any future ruling that would be to the contrary of opposite-sex marriage Tennessee will disregard.

Bill Impact: This bill solidifies that marriage in TN will be defined as a union between one man and one woman. This stance will stop some federal government funding. A fiscal review shows that funding for TennCare could be cut because of the State of Tennessee's new position on marriage, resulting in approximately a \$9 billion decrease ( <http://www.capitol.tn.gov/Bills/110/Fiscal/SB0752.pdf> ).

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**HB1507 — As introduced, recognizes the legal authority to use blockchain technology and smart contracts in conducting electronic transactions; protects ownership rights of certain information secured by blockchain technology. — Amends TCA Title 12; Title 47; Title 48; Title 61 and Title 66.**

Bill Introduced: 01/11/2018

Bill Contents: As introduced, recognizes the legal authority to use blockchain technology and smart contracts in conducting electronic transactions; protects ownership rights of certain information secured by blockchain technology. — Amends TCA Title 12; Title 47; Title 48; Title 61 and Title 66.

Bill Text: <https://legiscan.com/TN/text/HB1507/id/1678895/Tennessee-2017-HB1507-Draft.pdf>

Bill Summary: This bill recognizes legal validity regarding smart contracts or Blockchain data. Now the state of Tennessee recognizes these forms of transactions, most commonly associated with Bitcoin. This gives transactions through Bitcoin legal validity and protection in Tennessee. Currently, bitcoin and other forms of cryptocurrency are not considered to be an electronic form or record. If passed, these forms of transactions will be acknowledged as electronic form and record.

Bill Impact: Tennessee is one of the pioneers in debating the recognition of cryptocurrencies and blockchain technology in the U.S. So far only Arizona has passed a similar law, and bills similar to HB1507 are being introduced in Florida and Nebraska (<https://www.coindesk.com/tennessee-might-also-recognize-blockchain-data-proposed-law/>). Essentially, if you want to trade in Bitcoin,

Tennessee is the place to be.

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**SB1585— As introduced, prohibits contracts for the operation of prison facilities from containing occupancy level guarantees.— Amends TCA Title 41, Chapter 24.**

Bill Introduced: 01/11/2018

Bill Contents: As introduced, prohibits contracts for the operation of prison facilities from containing occupancy level guarantees.— Amends TCA Title 41, Chapter 24.

Bill Text: <https://legiscan.com/TN/text/SB1585/id/1681484/Tennessee-2017-SB1585-Draft.pdf>

Bill Summary: This bill prohibits the future use of private prisons in the state of Tennessee. Essentially, this legislation prevents future contracts between the state and private prisons. Rep. Jeremy Faison (R-Crosby) explained his reasoning for supporting the bill saying, “Our Tennessee state Constitution says that government is supposed to carry out justice, not, ‘somebody who’s trying to make money gets to carry out justice.’ That’s crazy”(https://www.tennessean.com/story/news/politics/2018/01/17/tennessee-republican-files-bill-aimed-ending-private-prison-usage-state/1036061001/).

Bill Impact: One main objection to privatizing prisons is the economics of incarceration. This bill could stop future private prison contracts from including something known as occupancy guarantee. Occupancy guarantee is a promise from the state to keep the prison at 90% capacity, or it will automatically pay the contractor as if the prison were 90% full, even if not.

Some argue that there is an economic incentive to keep the prisons full because of this law. On the other hand, private prisons have been said to be more fiscally responsible. Numerous studies have been recorded on the federal level, showing they save the government money

(https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/08/19/dont-end-federal-private-prisons/?utm\_term=.9315b0a82f2b).

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*“The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.”*

— Patrick Henry  
Founding Father of The United States of America



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