

HOUSE BILL 945

By Alexander

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 13, relative to assault.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-116, is amended by deleting the section and substituting the following:

(a) A person commits assault against a first responder or healthcare provider, who is discharging or attempting to discharge the first responder's or healthcare provider's official duties, who:

(1) Knowingly causes bodily injury to a first responder or healthcare provider; or

(2) Knowingly causes physical contact with a first responder or healthcare provider and a reasonable person would regard the contact as extremely offensive or provocative, including, but not limited to, spitting, throwing, or otherwise transferring bodily fluids, bodily pathogens, or human waste onto the person of a first responder or healthcare provider.

(b) A person commits aggravated assault against a first responder or healthcare provider, who is discharging or attempting to discharge the first responder or healthcare provider's official duties, who knowingly commits an assault under subsection (a), and the assault:

(1) Results in serious bodily injury to the first responder or healthcare provider;

(2) Results in the death of the first responder or healthcare provider;

- (3) Involved the use or display of a deadly weapon; or
- (4) Involved strangulation or attempted strangulation.

(c)

(1) Assault under subsection (a) is a Class D felony, and shall be punished by a mandatory fine of five thousand dollars (\$5,000) and a mandatory minimum sentence of thirty (30) days' incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire thirty-day mandatory minimum sentence.

(2) Aggravated assault under subsection (b) is a Class C felony, and is punished by a mandatory fine of fifteen thousand dollars (\$15,000) and a mandatory minimum sentence of ninety (90) days' incarceration. The defendant is not eligible for release from confinement until the defendant has served the entire ninety-day mandatory minimum sentence.

(d) For purposes of this section:

(1) "First responder":

(A) Means a firefighter, emergency services personnel, POST-certified law enforcement officer, or other person who responds to calls for emergency assistance from a 911 call; and

(B) Includes capitol police officers, Tennessee highway patrol officers, Tennessee bureau of investigation agents, Tennessee wildlife resources agency officers, and park rangers employed by the division of parks and recreation in the department of environment and conservation; and

(2) "Healthcare provider" means a healthcare professional licensed, registered, certified, or permitted pursuant to title 63 and regulated under the

authority of either the department of health or any agency, board, council, or committee attached to the department of health.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited acts committed on or after that date.