

## **Tennessee Code Annotated Selected General Provisions**

### **39-11-101. Objectives of criminal code.**

The general objectives of the criminal code are to:

- (1) Proscribe and prevent conduct that unjustifiably and inexcusably causes or threatens harm to individual, property, or public interest for which protection through the criminal law is appropriate;
- (2) Give fair warning of what conduct is prohibited, and guide the exercise of official discretion in law enforcement, by defining the act and the culpable mental state that together constitute an offense;
- (3) Give fair warning of the consequences of violation, and guide the exercise of official discretion in punishment, by grading of offenses; and
- (4) Prescribe penalties that are proportionate to the seriousness of the offense.

### **39-11-102. Effect of criminal code.**

- (a) Conduct does not constitute an offense unless it is defined as an offense by statute, municipal ordinance, or rule authorized by and lawfully adopted under a statute.
- (b) The provisions of parts 1-6 of this chapter apply to offenses defined by other laws, unless otherwise provided by law.
- (c) This title does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced in a civil suit for conduct the criminal code defines as an offense, and the civil injury is not merged into the offense.

### **39-11-104. Construction of criminal code.**

The provisions of this title shall be construed according to the fair import of their terms, including reference to judicial decisions and common law interpretations, to promote justice, and effect the objectives of the criminal code.

**39-11-201. Burden of proof.**

(a) No person may be convicted of an offense unless each of the following is proven beyond a reasonable doubt:

- (1) The conduct, circumstances surrounding the conduct, or a result of the conduct described in the definition of the offense;
- (2) The culpable mental state required;
- (3) The negation of any defense to an offense defined in this title if admissible evidence is introduced supporting the defense; and
- (4) The offense was committed prior to the return of the formal charge.

(b) In the absence of the proof required by subsection (a), the innocence of the person is presumed.

(c) A person charged with an offense has no burden to prove innocence.

(d) Evidence produced at trial, whether presented on direct or cross-examination of state or defense witnesses, may be utilized by either party.

(e) No person may be convicted of an offense unless venue is proven by a preponderance of the evidence.

(f) If the issue is raised in defense, no person shall be convicted of an offense unless jurisdiction and the commission of the offense within the time period specified in title 40, chapter 2 are proven by a preponderance of the evidence.