

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 597

HOUSE BILL NO. 1120

**By Representatives Haynes, Evans, Rich, Kevin Brooks, Weaver, Fincher, Hardaway, Roach, Ford, Niceley, Lundberg, Todd, Maggart, Phillip Johnson, Faulkner, Hill, Lynn, Sontany, Towns, McDonald, Pruitt, Lollar, Windle, Ferguson, McManus, Ty Cobb, Montgomery, Moore, Watson, Bass, Harrison, Sargent, Fraley, Hensley, Curtis Johnson, Pitts, Swafford, Coley, Eldridge, Curt Cobb, Fitzhugh**

Substituted for: Senate Bill No. 511

By Senators Woodson, Burchett, Black, Haynes, Burks

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, Part 2, relative to sexual offenders.

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

SECTION 1. Tennessee Code Annotated, Section 40-39-211, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall knowingly:

(A) Be upon or remain on the premises of any building or grounds of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when the offender has reason to believe children under eighteen (18) years of age are present;

(B) Stand, sit idly, whether or not the offender is in a vehicle, or remain within one thousand feet (1,000') of the property line of, or any building owned or operated by, any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when children under eighteen (18) years of age are present, while not having a reason or relationship involving custody of or responsibility for a child or any other specific or legitimate reason for being there; or

(C) Be in any conveyance owned, leased or contracted by a school, licensed day care center, other child care facility, or

recreation center to transport students to or from school, day care, child care, or a recreation center or any related activity thereof when children under eighteen (18) years of age are present in the conveyance.

(2) Subdivision (d)(1) shall not apply when the offender:

(A) Is a student in attendance at the school;

(B) Is attending a conference or other scheduled event with school, day care, child care, park, playground, or recreation center officials as a parent or legal guardian of a child who is enrolled and participating in the conference or other scheduled event of the school, day care center, other child care center, park, playground or recreation center;

(C) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(D) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian.

(3) The exemption provided in subdivision (d)(2)(B) shall not apply if the victim of the offender's sexual offense or violent sexual offense was a minor at the time of the offense and the victim is enrolled in the school, day care center, recreation center or other child care center that is participating in the conference or other scheduled event.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: June 18, 2009**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 8th day of July 2009**



---

PHIL BREDESEN, GOVERNOR