

PUBLIC CHAPTER NO. 1138

SENATE BILL NO. 2724

By Black, Burks

Substituted for: House Bill No. 2788

By Maggart, Fincher, Faulkner, Todd, Hardaway, Coleman

AN ACT to amend Tennessee Code Annotated, Title 37; Title 40; Title 49 and Title 55, relative to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

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

SECTION 1. Tennessee Code Annotated, Section 40-39-202(20)(A)(vi), is amended by deleting the subdivision in its entirety and substituting instead the following:

(vi) Kidnapping, where the victim is a minor, under § 39-13-303, except when committed by a parent of the minor;

SECTION 2. Tennessee Code Annotated, Section 40-39-202(15), is amended by deleting the subdivision in its entirety and substituting instead the following:

(15) "Relevant information deemed necessary to protect the public" means that information set forth in § 40-39-206(e)(1)–(15);

SECTION 3. Tennessee Code Annotated, Section 40-39-202(20)(A)(xvii), is amended by deleting the subdivision in its entirety and substituting instead the following:

(xvii) Soliciting sexual exploitation of a minor – exploitation of a minor by electronic means, under § 39-13-529; or

SECTION 4. Tennessee Code Annotated, Section 40-39-202, is amended by deleting subdivision (20)(A)(iii), such subdivision being the definition of "sexual offense" and substituting instead the following:

(iii) Aggravated prostitution, under § 39-13-516, provided the offense occurred prior to July 1, 2010;

SECTION 5. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivisions to subdivision (28), such subdivision being the definition of "violent sexual offender":

(X) Aggravated prostitution, under § 39-13-516, provided the offense occurs on or after July 1, 2010;

(Y) Trafficking for sexual servitude, under § 39-13-309;

SECTION 6. Tennessee Code Annotated, Section 40-39-203, is amended by deleting subdivision (i)(1) and substituting instead the following:

(1) Complete name and all aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise, including pseudonyms and ethnic or tribal names;

SECTION 7. Tennessee Code Annotated, Section 40-39-203, is amended by adding the following new subdivisions to subsection (i):

(20) Copies of all passports and immigration documents; and

(21) Professional licensing information that authorizes an offender to engage in an occupation or carry out a trade or business.

SECTION 8. Tennessee Code Annotated, Section 40-39-206, is amended by deleting from subsection (e) the language "(e)(1)–(13)" both times it appears and by substituting instead the language "(e)(1)–(15)" both times in such subsection.

SECTION 9. Tennessee Code Annotated, Section 40-39-206, is amended by deleting subdivision (e)(1) and substituting instead the following:

(1) The offender's complete name, as well as any aliases, including, but not limited to, any names that the offender may have had or currently has by reason of marriage or otherwise, including pseudonyms and ethnic or tribal names;

SECTION 10. Tennessee Code Annotated, Section 40-39-206, is amended by adding the following new subdivisions to subsection (e):

(14) The address of the offender's employer or employers; and

(15) The license plate number and a description of all of the offender's vehicles.

SECTION 11. Tennessee Code Annotated, Section 40-39-207(i), is amended by adding the following new subdivision thereto:

(3)(A) If a person convicted of an offense was not required to register as an offender prior to July 1, 2010, for an offense now classified as a sexual offense, the person may file a request for termination of registration requirements with TBI headquarters in Nashville, no sooner than five (5) years from July 1, 2010, or the date the person first registered with the SOR, whichever date is later.

(B) The procedure, criteria for removal and other requirements of this section shall otherwise apply to an offender subject to removal after five (5) years as specified in subdivision (i)(3)(A).

(C) If a person convicted of an offense was not required to register as an offender prior to July 1, 2010, for an offense now classified as a

violent sexual offense, the person shall continue to comply with the registration, verification and tracking requirements for the life of that offender.

SECTION 12. Tennessee Code Annotated, Section 40-39-212, is amended by deleting the language "a qualifying offense in § 40-39-202(20) or § 40-39-202(28), shall be required to register with a registering agency." wherever it appears and substituting instead the language "a sexual offense as defined by § 40-39-202 or a violent sexual offense as defined by § 40-39-202, shall be required to register with a registering agency."

SECTION 13. Tennessee Code Annotated, Section 40-39-213(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) Every offender required to register pursuant to this part who is a resident of this state, and who is eligible, shall be responsible for obtaining a valid driver license or photo identification card that has been properly designated by the Department of Safety pursuant to § 55-50-353. Every offender eligible to receive the license or identification card shall always have the license or identification card in the offender's possession. If the offender is ineligible to be issued a driver license or photo identification card, the department shall provide the offender some other form of identification card or documentation that, if it is kept in the offender's possession, will satisfy the requirements of this section and § 55-50-353; such identification must be kept in the offender's possession at all times. If any offender is determined to be indigent, an identification card or other documentation in lieu of an identification card shall be issued to the offender at no cost.

SECTION 14. Tennessee Code Annotated, Section 40-39-213(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) A violation of this section is a Class E felony punishable by fine only of not less than two hundred fifty dollars (\$250).

SECTION 15. Tennessee Code Annotated, Section 40-39-213, is amended by adding the following new, appropriately designated subsection:

() Every offender required to register pursuant to this part shall have obtained the documentation required by this section and presented it to the offender's registering agency no later than sixty (60) days from the date in which such person is required to register pursuant to this part.

SECTION 16. Tennessee Code Annotated, Section 40-39-204(b), is amended by deleting the language "Once a year," in the third sentence and substituting instead the following language:

At the time of the violent offender's initial registration or initial reporting date for the calendar year,

SECTION 17. Tennessee Code Annotated, Section 40-39-204(c), is amended by adding the following language between the second and third sentences:

Offenders whose initial registration occurs after the annual reporting period shall be required to pay the administrative costs at the time of the initial registration.

SECTION 18. Tennessee Code Annotated, Section 40-39-204(b), is amended by deleting the first sentence and substituting instead the following:

Violent sexual offenders shall report in person during the months of March, June, September, and December of each calendar year, to the designated law enforcement agency, on a date established by such agency, to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, and to verify the continued accuracy of the information in the TBI registration form.

SECTION 19. This act shall take effect on July 1, 2010, the public welfare requiring it.

PASSED: June 9, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of June 2010



PHIL BREDESEN, GOVERNOR