

HOUSE BILL 3412

By Brown

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 39 and Title 40, relative to child abuse.

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

SECTION 1. Tennessee Code Annotated, Title 40, is amended by adding the following as a new chapter thereto:

§ 40-40-101.

This chapter shall be known and may be cited as the "Tennessee Child Abuser Registration Act of 2010".

§ 40-40-102.

(a) There is created within the Tennessee bureau of investigation a child abuser registry of persons who have been convicted on or after January 1, 2011, of child abuse or child sexual abuse.

(b) In order to qualify for inclusion on the Tennessee child abuser registry, the offender's conviction for a child abuse or child sexual abuse offense must be for a violation that occurred on or after January 1, 2011.

(c) For the purposes of this chapter, "child abuse or child sexual abuse" means:

(1) Child abuse, child neglect or child endangerment, under § 39-15-401;

(2) Aggravated child abuse or aggravated child neglect or endangerment, under § 39-15-402;

(3) Statutory rape, under § 39-13-506(b), aggravated statutory rape under § 39-13-506(c), or statutory rape by an authority figure, under § 39-13-532;

(4) Rape of a child, under § 39-13-522, or aggravated rape of a child, under § 39-13-531;

(5) Sexual battery of a child by an authority figure, under § 39-13-527;

(6) Sexual exploitation of a minor, under § 39-17-1003, aggravated sexual exploitation of a minor, under § 39-17-1004, or especially aggravated sexual exploitation of a minor, under § 39-17-1005;

(7) False imprisonment where the victim is a minor, under § 39-13-302;

(8) Kidnapping where the victim is a minor, under § 39-13-303, or aggravated kidnapping where the victim is a minor, under § 39-13-304, or especially aggravated kidnapping where the victim is a minor under § 39-13-305;

(9) Indecent exposure where the victim is a minor, under § 39-13-511, upon a third or subsequent conviction;

(10) Solicitation of a minor, under § 39-13-528;

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

(12) Incest where the victim is a minor, under § 39-15-302;

(13) Attempt, under § 39-12-101, to commit any of the offenses enumerated in this subsection (c);

(14) Solicitation, under § 39-12-102, to commit any of the offenses enumerated in this subsection (c);

(15) Conspiracy, under § 39-12-103, to commit any of the offenses enumerated in this subsection (c);

(16) Criminal responsibility, under § 39-11-402(2), to commit any of the offenses enumerated in this subsection (c);

(17) Facilitating the commission, under § 39-11-403, of any of the offenses enumerated in this subsection (c); or

(18) Being an accessory after the fact, under § 39-11-411, to any of the offenses enumerated in this subsection (c).

§ 40-40-103.

This registry shall be maintained by the Tennessee bureau of investigation. The registry shall be made available for public inquiry on the Internet at the web site of the Tennessee bureau of investigation.

§ 40-40-104.

The registry shall consist of the person's name, date of birth, residential address, number and type of child abuse or child sexual abuse convictions, conviction dates, county and state of convictions, the person's driver license photograph or photo identification license photograph, and such other identifying data as the Tennessee bureau of investigation determines is necessary for the public to properly identify the person, but shall not include the person's social security number.

§ 40-40-105.

(a) In addition to any other fine, fee, penalty or other punishment, there is assessed a child abuser registry fee of fifteen dollars (\$15.00) upon any person convicted of child abuse or child sexual abuse as defined in § 40-40-102.

(b) The child abuser registry fee imposed pursuant to subsection (a) shall be assessed and collected upon the person's conviction and shall be transmitted to the state general fund for appropriation to the Tennessee bureau of investigation to implement and administer the child abuser registry created by this part.

SECTION 2. For the purposes of the Tennessee bureau of investigations developing the child abuser registry, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, it shall take effect on January 1, 2011, the public welfare requiring it.