

SENATE BILL 2393

By Black

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, to add certain juvenile sexual offenders 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 40-39-201(b)(7), is amended by adding the following language after the language "sex offender registry;":

provided that a juvenile offender required to register under this part shall not be required to pay the administrative fee until the offender reaches the age of eighteen (18);

SECTION 2. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivisions:

() "Violent juvenile sexual offender" means a person fourteen (14) years of age or more but less than eighteen (18) years of age who has been adjudicated delinquent in this state for any act that, if committed by an adult, constitutes a "violent juvenile sexual offense", as defined in this section, or has another qualifying adjudication, as set out in the definition for "conviction" in this section. When a violent juvenile sexual offender becomes eighteen (18) years of age, such offender shall become a violent sexual offender and this part governing violent sexual offenders shall be applicable to such violent juvenile sexual offender;

() "Violent juvenile sexual offense" means an adjudication of delinquency for any act that, if committed by an adult, constitutes the criminal offense of:

(A) Aggravated rape under § 39-13-502;

(B) Rape, under § 39-13-503;

- (C) Aggravated sexual battery, under § 39-13-504;
- (D) Rape of a child, under § 39-13-522;
- (E) Aggravated rape of a child, under § 39-13-531; or
- (F) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision;

() “Registering agency” means a sheriff’s office; municipal police department; metropolitan police department; campus law enforcement agency; the TDOC; a private contractor with the TDOC; a court exercising juvenile court jurisdiction; an institution, home, school or other location in which a violent juvenile sexual offender is located; or the board;

SECTION 3. Tennessee Code Annotated, Section 40-39-202, is amended by inserting the following between the third and fourth sentences of subdivision (2):

An adjudication in another state for a delinquent act committed in another jurisdiction that would be classified as a violent juvenile sexual offense under this section, if committed in this state, shall be considered a violent juvenile sexual offense for the purposes of this part.

SECTION 4. Tennessee Code Annotated, Section 40-39-203, is amended by deleting subdivision (a)(2) and substituting instead the following:

(a)

(2) Regardless of an offender’s date of conviction, adjudication or discharge from supervision, an offender whose contact with this state is sufficient to satisfy the requirements of subdivision (a)(1) is required to register in person as required by this part, if the person was required to register as any form of sexual offender, juvenile offender or otherwise, in another jurisdiction prior to the offender’s presence in this state.

SECTION 5. Tennessee Code Annotated, Section 40-39-203(i)(6), is amended by deleting the subdivision in its entirety and substituting instead the following:

(i)

(6) Sexual offenses or violent sexual offenses for which the registrant has been convicted, the date of the offenses and the county and state of each conviction; or the violent juvenile sexual offense for which the registrant has been adjudicated delinquent, the date of the act for which the adjudication was made and the county and state of each adjudication;

SECTION 6. Tennessee Code Annotated, Section 40-39-203(j), is amended by adding the following new subdivision (3):

(3) Notwithstanding the registration deadlines otherwise established by this section, any person adjudicated of committing a violent juvenile sexual offense in this state or who has another qualifying adjudication as defined in § 40-39-202, but who is not required to register prior to July 1, 2010, shall have until October 1, 2010, to register as a violent juvenile sexual offender or violent sexual offender in this state.

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

(p) Any court exercising juvenile jurisdiction that adjudicates a juvenile as delinquent for conduct that qualifies such juvenile as a violent juvenile sexual offender, shall, within forty-eight (48) hours of such adjudication, transmit the information set out in subsection (i) pertaining to such violent juvenile sexual offender, to the TBI for inclusion on the SOR.

SECTION 8. Tennessee Code Annotated, Section 40-39-204, is amended by designating existing subsection (b) as subdivision (b)(1) and by adding the following new subdivision (b)(2):

(2) At least once during the months of March, June, September, and December of each calendar year, all violent juvenile sexual offenders shall report in person to the juvenile court in which the adjudication occurred 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 transmitted to the TBI by the court form. If the offender is in custody, the offender shall provide this information to a person in the facility in which the offender resides who shall transmit it to the TBI.

SECTION 9. Tennessee Code Annotated, Section 40-39-206(e), is amended by deleting the language:

For any offender convicted in this state of a sexual offense or violent sexual offense

and substituting instead the language:

For any offender convicted in this state of a sexual offense or violent sexual offense, or adjudicated delinquent for a violent juvenile sexual offense

SECTION 10. Tennessee Code Annotated, Section 40-39-206, is amended by adding the following between the second and third sentences of subsection (e):

All information concerning a violent juvenile sexual offender required by § 40-39-203(i) to be transmitted from the juvenile court to the TBI shall be considered public information.

SECTION 11. Tennessee Code Annotated, Section 40-39-207, is amended by deleting subdivision (g)(1)(B) and substituting instead the following:

(B) Has been convicted of a violent sexual offense, or has been adjudicated delinquent for a violent juvenile sexual offense, as both are defined in § 40-39-202.

SECTION 12. Tennessee Code Annotated, Section 40-39-211(b), is amended by deleting the language:

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

and substituting instead the following language:

No sexual offender, violent sexual offender, or violent juvenile sexual offender, as those terms are defined in § 40-39-202, shall knowingly:

SECTION 13. Tennessee Code Annotated, Section 40-39-211, is amended by adding the following new subsection (f);

(f) The residency restrictions set out in subsections (a) and (c) shall not apply to violent juvenile sexual offenders required to register under this part, provided that the restrictions set out in subsection (a) and (c) shall apply to a violent juvenile sexual offender upon such offender becoming a violent sexual offender.

SECTION 14. Tennessee Code Annotated, Section 40-39-213(a), is amended by deleting the language:

Every sexual offender and violent sexual offender

and substituting instead the following language:

Every sexual offender, violent sexual offender or violent juvenile sexual offender

SECTION 15. Tennessee Code Annotated, Section 40-39-214(a), is amended by deleting the language “immediately after a sex offender” and substituting instead the language “immediately after an offender”.

SECTION 16. Tennessee Code Annotated, Section 40-39-215(a), is amended by deleting the language “for a sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202,” and substituting instead the language “for a sexual offender, violent sexual offender or a violent juvenile sexual offender, as those terms are defined in § 40-39-202,”.

SECTION 17. This act shall take effect on July 1, 2010, the public welfare requiring it.