

Amendment No. 1 to HB2653

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2534

House Bill No. 2653*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Safe Seniors Act of 2020."

SECTION 2. Tennessee Code Annotated, Section 40-11-150, is amended by deleting subsection (a) and substituting instead the following:

(a) In addition to the factors set out in § 40-11-118, in making a decision concerning the amount of bail required for the release of a defendant who is arrested for the offense of child abuse, child neglect, or child endangerment, as defined in § 39-15-401; the offense of aggravated child abuse, aggravated child neglect, or aggravated child endangerment, as defined in § 39-15-402; the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in § 39-17-315; a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult; a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult; any criminal offense defined in title 39, chapter 13, in which the alleged victim of the offense is a victim as defined in § 36-3-601(5), (10), or (11), or is in violation of an order of protection as authorized by title 36, chapter 3, part 6, the magistrate shall review the facts of the arrest and detention of the defendant and determine whether the defendant is:

- (1) A threat to the alleged victim;
- (2) A threat to public safety; and
- (3) Reasonably likely to appear in court.

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SECTION 3. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subdivision (a)(2) and substituting instead the following:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 4. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 5. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section and substituting instead the following:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 6. Tennessee Code Annotated, Section 40-35-115(b), is amended by inserting the following language as a new subdivision:

() The defendant has been convicted of two (2) or more offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature

and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 7. Tennessee Code Annotated, Section 39-15-506, is amended by deleting subdivision (a)(1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court, for a conviction of § 39-15-507(d), the clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 8. Tennessee Code Annotated, Section 39-13-501, is amended by adding the following new subdivision:

() "Vulnerable adult" means a person eighteen (18) years of age or older who, because of intellectual disability or physical dysfunction, has been determined by a licensed physician, psychologist, or senior psychological examiner to lack capacity to consent, as defined in § 71-6-120(a)(1), to sexual activity, or who is physically helpless.

SECTION 9. Tennessee Code Annotated, Section 39-13-502(a)(3), is amended by adding a new subdivision (C) as follows:

(C) The defendant knows or has reason to know that the victim is a vulnerable adult.

SECTION 10. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means physical pain, injury, or diminished health, regardless of gravity or duration. As used in this subdivision (9), "diminished health" means to make or cause the mental, emotional, or physical health of an individual to be weakened, lessened, or reduced;

SECTION 11. Tennessee Code Annotated, Section 39-13-503, is amended by adding the following as a new subdivision (3) and renumbering the current subdivisions (3) and (4) appropriately:

(3) The defendant knows or has reason to know that the victim is a vulnerable adult;

SECTION 12. This act shall take effect October 1, 2020, the public welfare requiring it.