

SENATE BILL 2036

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 36 and Section 40-39-211, relative to visitation and residency restrictions of sexual offenders and violent sexual offenders whose victim was a minor.

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

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

(c) While mandated to comply with the requirements of this part, no sexual offender or violent sexual offender, whose victim was a minor, shall knowingly reside or conduct an overnight visit at a residence in which a minor resides or is present.

Notwithstanding this subsection (c), the offender may reside, conduct an overnight visit, or be alone with a minor if the offender is the parent of the minor, unless one (1) of the following conditions applies:

(1) The offender's parental rights have been or are in the process of being terminated as provided by law;

(2) Any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender; or

(3) The offender has been convicted of a sexual offense or violent sexual offense and all of the following conditions have been satisfied:

(A) The victim of the sexual offense or violent sexual offense was a child under twelve (12) years of age; and

(B) A court having jurisdiction over dependency and neglect proceedings reviewed the circumstances surrounding the sexual offender or violent sexual offender's offense and the offender's most recent efforts

to rehabilitate and found that the offender presents a danger of substantial harm to the child. For purposes of this subdivision (c)(3)(B), a court's finding is valid if it is entered two (2) years prior to any planned visit or residence. The district attorney general for the judicial district in which the child resides may petition a court to make a finding described in this subdivision (c)(3)(B) at any time the sexual offender or violent sexual offender is required to register pursuant to this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.