



June 3, 2020

**SUMMARY OF ORIGINAL BILL:** Creates a Class A misdemeanor offense of disseminating a photograph of an inmate at a state penal institution that was taken during a visitation period.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (018114):** Deletes and replaces all language after the enacting clause. Refers to the proposed legislation as the "Safe Seniors Act of 2020." Makes various changes to statute regarding aggravated abuse of the elderly offenses and offenses against vulnerable adults. Effective October 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Public Chapter 474 of 2019 repealed Tenn. Code Ann. § 71-6-119 effective January 1, 2020.
- The proposed legislation removes antiquated references to Tenn. Code Ann. § 71-6-119.
- Any impact to state or local government resulting from the removal of such references is estimated to be not significant.
- The proposed legislation adds a vulnerable adult to the list of circumstances for the offenses of aggravated rape and rape.
- The proposed legislation defines a vulnerable adult as a person 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 Tenn. Code Ann. § 71-6-120(a)(1), to sexual activity, or who is physically helpless.
- Any impact to state incarceration resulting from this addition is estimated to be not significant.

- Any impact to local incarceration resulting from the addition of additional factors a magistrate must consider prior to setting bail is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 39-15-506(a)(1), the names of persons convicted of financial exploitation, neglect or aggravated neglect of an elderly or vulnerable adult are required to be added to a registry managed by the Department of Health (DOH).
- Pursuant to Tenn. Code Ann. § 39-15-506(a)(3), the DOH is required to notify the person convicted by mail of their inclusion on the registry. The person convicted may challenge the accuracy of the report that the criminal disposition has occurred, such hearing conclusions were made, or any factual issue related to the correct identity of the person. If the person convicted makes such a challenge within 60 days of notification of inclusion on the registry, the Commissioner of the DOH, or the Commissioner's designee, shall afford the person an opportunity for a hearing on the matter.
- The proposed legislation adds an attempt to commit any of the eligible offenses to the list of offenses that the DOH is required to place on the Tennessee Abuse Registry.
- Any impact to DOH resulting from expanding the offenders required to be placed on the Tennessee Abuse Registry will be accommodated with existing resources. Any fiscal impact to DOH is estimated to be not significant.
- The proposed legislation specifies that a court may order sentences to run consecutively if the court finds by a preponderance of evidence that a defendant is convicted of two or more statutory 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.
- Trial judges are authorized to increase the length of a sentence within the appropriate range depending on the presence of enhancing factors; therefore, any impact to local incarceration resulting from authorizing a court to alternately order multiple sexual exploitation of an elderly or vulnerable adult offense sentences to run consecutively is estimated to be not significant.
- Any impact to the court system is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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