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House Bill _____
By _____

Senate No. SB0563
By Jordan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5; Title 39, Chapter 15, Part 3; Title 40, Chapter 28 and Title 40, Chapter 35, to require a period of parole supervision for certain sexual offenders.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-503, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If the victim of a violation of this section is less than thirteen (13) years of age, the defendant shall be required to serve, in addition to the punishment authorized in subpart (1) of this subsection, a period of ten (10) years on sex offender post-incarceration parole supervision as provided in Tennessee Code Annotated, Title 40, Chapter 35, Part 5.

SECTION 2. Tennessee Code Annotated, Section 39-13-504, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

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(2) If the defendant is convicted under subsection (a)(4) of this section, such defendant shall be required to serve, in addition to the punishment authorized in subpart (1) of this subsection, a period of ten (10) years on sex offender post-incarceration parole supervision as provided in Tennessee Code Annotated, Title 40, Chapter 35, Part 5.

SECTION 3. Tennessee Code Annotated, Section 39-15-302, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If the victim of a violation of this section is less than thirteen (13) years of age, the defendant shall be required to serve, in addition to the punishment authorized in subpart (1) of this subsection, a period of seven (7) years on sex offender post-incarceration parole supervision as provided in Tennessee Code Annotated, Title 40, Chapter 35, Part 5.

SECTION 4. Tennessee Code Annotated, Section 39-13-505, is amended by designating the existing language of subsection (b) as (b)(1) and by adding the following new subsection (b)(2):

(2) If the victim of a violation of this section is less than thirteen (13) years of age, the defendant shall be required to serve, in addition to the punishment authorized in subpart (1) of this subsection, a period of five (5) years on sex offender post-incarceration parole supervision as provided in Tennessee Code Annotated, Title 40, Chapter 35, Part 5.

SECTION 5. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

(a) There is created a new form of parole supervision to be know as "Sex Offender Post-Incarceration Supervision". The purpose of this type of supervision is to ensure that a person convicted of a specified sex offense is subject to a continuing period of supervision and enforceable release conditions for a designated period in

excess of the expiration of the period of incarceration to which the offender was sentenced or of such offender's normal discharge from parole pursuant to Tennessee Code Annotated, Section 40-35-504.

(b)

(1) An inmate sentenced under Tennessee Code Annotated, Sections 39-13-503(b)(2) or 39-13-504(b)(2), who has been granted regular parole pursuant to this part shall be required to continue under active sex offender post-incarceration supervision for a period of ten (10) years following the date such inmate is relieved from making periodic regular parole reports pursuant to Tennessee Code Annotated, Section 40-35-504.

(2) An inmate sentenced under Tennessee Code Annotated, Sections 39-13-503(b)(2) or 39-13-504(b)(2), who is not granted regular parole pursuant to this part shall be required to continue under active sex offender post-incarceration supervision for a period of ten (10) years following the expiration of such inmate's sentence of incarceration.

(c)

(1) An inmate sentenced under Tennessee Code Annotated, Section 39-15-302(b)(2), who has been granted regular parole pursuant to this part shall be required to continue under active sex offender post-incarceration supervision for a period of seven (7) years following the date such inmate is relieved from making periodic regular parole reports pursuant to Tennessee Code Annotated, Section 40-35-504.

(2) An inmate sentenced under Tennessee Code Annotated, Section 39-15-302(b)(2), who is not granted regular parole pursuant to this part shall be required to continue under active sex offender post-incarceration supervision for a period of seven (7) years following the expiration of such inmate's sentence of incarceration.

(d)

(1) An inmate sentenced under Tennessee Code Annotated, Section 39-13-505(b)(2), who has been granted regular parole pursuant to this part shall be required to continue under active sex offender post-incarceration supervision for a period of five (5) years following the date such inmate is relieved from making periodic regular parole reports pursuant to Tennessee Code Annotated, Section 40-35-504.

(2) An inmate sentenced under Tennessee Code Annotated, Section 39-13-505(b)(2), who is not granted regular parole pursuant to this part shall be required to continue under active sex offender post-incarceration supervision for a period of five (5) years following the expiration of such inmate's sentence of incarceration.

(e) At least six (6) months prior to the date an inmate convicted under Tennessee Code Annotated, Sections 39-13-503(b)(2), 39-13-504(b), 39-15-302(b)(2) or 39-13-505(b)(2), will no longer be under supervision, either by expiration of sentence of incarceration or discharge from parole, the board shall meet to determine the conditions and restrictions that will be placed on such inmate while under sex offender post-incarceration supervision. The board may place on such inmate's post-incarceration supervision any reasonable condition or restriction that is designed to prevent the inmate from committing further sex offenses.

(f) A violation of the conditions and restrictions placed upon such inmate's post-incarceration supervision or the commission of a new sex offense shall be treated substantively and procedurally the same as a violation of regular parole and shall be grounds for the board revoking such inmate's supervision and requiring the inmate's incarceration for all or a portion of the time remaining on such inmate's period of sex offender post-incarceration supervision.

(g) The provisions of Tennessee Code Annotated, Title 40, Chapter 28, Part 2, relative to the requirement that a parolee pay a supervision fee and make payments to the criminal injuries compensation fund shall apply to an inmate under sex offender post-incarceration supervision pursuant to the provisions of this section for the entire time such inmate is under such supervision.

SECTION 6. This act shall take effect July 1, 1995, the public welfare requiring it and shall apply to all persons committing the designated sex offenses on or after such date.