



March 18, 2024

SUMMARY OF BILL AS AMENDED (016004): Extends, from 10 years to 15 years, the period of time following termination of active supervision on probation, parole, or any other alternative to incarceration, or discharge from incarceration without supervision after which an offender convicted of aggravated statutory rape that occurred on or after July 1, 2024 is authorized to file a request for termination of the requirement to register on the state Sexual Offender Registry (SOR) as a sexual offender or violent sexual offender with the Tennessee Bureau of Investigation (TBI).

FISCAL IMPACT OF BILL AS AMENDED:

Increase State Revenue – \$1,200/FY34-35
\$2,400/FY35-36
\$3,700/FY36-37
\$4,900/FY37-38
\$6,100/FY38-39 and Subsequent Years

Increase Local Revenue – \$2,400/FY34-35
\$4,900/FY35-36
\$7,300/FY36-37
\$9,700/FY37-38
\$12,200/FY38-39 and Subsequent Years

Other Fiscal Impact – Additional staff for the Tennessee Bureau of Investigation may be necessary in the future; the extent and timing of any increase in expenditures cannot be determined at this time.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-39-207(a)(1), a person required to register as a sexual offender in this state due to a qualifying offense may apply for removal from the registry no sooner than 10 years after termination of active supervision on probation, parole, or any other alternative to incarceration, or no sooner than 10 years after discharge from incarceration without supervision.
- The proposed legislation extends, from 10 years to 15 years, the period of time following termination of active supervision on probation, parole, or any other alternative to incarceration, or discharge from incarceration without supervision after which an offender convicted of aggravated statutory rape that occurred on or after July 1, 2024 is

authorized to file a request for termination of the requirement to register as a sexual offender or violent sexual offender.

- Pursuant to Tenn. Code Ann. 39-13-506(c), aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least 13 but less than 18 years of age and the defendant is at least 10 years older than the victim.
- The proposed legislation will result in a delay in requests for termination of the requirement to register as a sexual offender but not an overall decrease in the number of requests for termination the TBI receives. Any decrease in expenditures to the TBI is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 40-39-204(c), offenders on the SOR are required to pay a \$150 fee each year to the appropriate registering agency, which is a local law enforcement agency. The local agency retains \$100 of the fee and the remaining \$50 is deposited into the General Fund.
- Pursuant to Tenn. Code Ann. § 40-39-207(g)(2)(A)-(C), registration on the SOR is required for life if the offender:
 - Has one or more prior convictions for a sexual offense, regardless of when the conviction or convictions occurred;
 - Has been convicted of a violent sexual offense; or
 - Has been convicted of an offense in which the victim was a child of 12 years of age or less.
- Based upon information provided by the Department of Correction, there has been an average of 34.80 admissions per year over the last 10 years for aggravated statutory rape under Tenn. Code Ann. § 39-13-506(c) that requires registration as a sexual offender.
- It is estimated that 30 percent or 10.44 (34.80 x 30%) of such admissions will be convicted of one or more additional sexual offenses and be ineligible to request termination of registration on the SOR.
- Passage of the proposed legislation will result in 24.36 (34.80 – 10.44) sexual offenders remaining on the SOR for an additional five years. The total number of offenders remaining on the list will grow by 24.36 in each of the first five years, beginning in FY34-35, until the total level of offenders levels off in FY38-39.
- The increase in state revenue to the General Fund and local revenue is estimated as follows:

Fiscal Year	New Offenders	Total New Offenders	State Revenue	Local Revenue
FY34-35	24.36	24.36	\$1,218	\$2,436
FY35-36	24.36	48.72	\$2,436	\$4,872
FY36-37	24.36	73.08	\$3,654	\$7,308
FY37-38	24.36	97.44	\$4,872	\$9,744
FY38-39 & SYs	24.36	121.8	\$6,090	\$12,180

- At this time, it is estimated any increase in expenditures associated with maintaining the registry can be absorbed by the current personnel of the TBI; however, the number of SOR termination requests the TBI receives is anticipated to increase beginning in FY34-35 as a result of the proposed legislation. The TBI may require additional staff to handle the increase in workload in the future; the extent and timing of any increase in expenditures cannot be determined at this time.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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