

HOUSE BILL 27

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6; Title 37, Chapter 1 and Title 39, Chapter 15, relative to false reporting of abuse.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-413, is amended by deleting the section in its entirety and substituting instead the following:

(a)

(1) It is an offense for any person to make a report or cause, encourage, aid, counsel or procure another to make a report pursuant to § 37-1-403 or § 37-1-605 to a judge having juvenile jurisdiction, the department of children's services, a sheriff, or a law enforcement official knowing that:

(A) The report is false;

(B) The person has no information relating to the report; or

(C) The information relating to the report is false.

(b)

(1) A violation of this section is a Class E felony.

(2) A violation of this section is a Class D felony if at the time the report is made:

(A) The defendant is a party in a custody or visitation determination pursuant to title 36, chapter 6;

(B) A petition or complaint initiating such a custody or visitation determination has been filed in any court of this state exercising

jurisdiction over custody or visitation determinations and has been served upon the defendant or the person against whom the report is made;

(C) The custody or visitation determination involves the person against whom the report is made; and

(D) The report is made for the purpose of delay or to gain advantage in the custody or visitation determination.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.