

HOUSE BILL 1667

By Hodges

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1, Part 1; Title 39, Chapter 13 and Title 40, Chapter 39, Part 2, relative to juvenile sexual offenders.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by adding the following new subsection:

(e)

(1) This subsection (e) applies to a juvenile who is adjudicated delinquent for an act committed when the juvenile was less than fourteen (14) years of age that, if committed by an adult, would constitute one (1) of the offenses listed as a violent juvenile sexual offense in § 40-39-202.

(2) If a court finds a juvenile to be delinquent as a result of an act committed when the juvenile was less than fourteen (14) years of age that, if committed by an adult, would constitute one (1) of the offenses listed as a violent juvenile sexual offense in § 40-39-202, the court may order the juvenile to register as a violent juvenile sexual offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, compiled in title 40, chapter 39, part 2; provided, that:

(A) A hearing on whether the juvenile should be required to register as a violent juvenile sexual offender is held in conformity with §§ 37-1-124, 37-1-126, and 37-1-127; and

(B) Reasonable notice in writing of the time, place, and purpose of the hearing is given to the juvenile and the juvenile's parents, guardian, or other custodian at least fourteen (14) days prior to the hearing.

(3) In making the determination authorized by this subsection (e), the court must consider:

(A) The extent and nature of the juvenile's prior delinquency records;

(B) The extent and impact of any physical and emotional injury to the victim;

(C) The nature and circumstances of the act resulting in the adjudication of delinquent;

(D) The age of any victim at the time of the act, the age difference between any victim and the juvenile, and the number of victims;

(E) Statements, documents, and recommendations by or on behalf of the victim or the parents of the victim;

(F) The possible rehabilitation of the juvenile by use of procedures, services, and facilities available to the court in this state;

(G) Whether the juvenile is or has participated in a sex offender treatment program or any other intervention;

(H) Reports and recommendations from the providers of any treatment sought by the juvenile;

(I) The protection afforded the public by requiring the juvenile to register as a violent juvenile sexual offender; and

(J) Any other relevant factors the court deems appropriate.

SECTION 2. Tennessee Code Annotated, Section 40-39-202(28)(A), is amended by deleting the subdivision and substituting instead the following:

"Violent juvenile sexual offender" means a person who is adjudicated delinquent in this state for any act that constitutes a violent juvenile sexual offense; provided, that the person is at least fourteen (14) years of age but less than eighteen (18) years of age at the time the act is committed; and pursuant to § 37-1-131(e), may include a person who was less than fourteen (14) years of age at the time the act was committed;

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to acts committed on or after that date.