

HOUSE BILL 2898

By Kumar

AN ACT to amend Tennessee Code Annotated, Title 18;
Section 38-6-103; Title 39 and Title 40, relative to
domestic violence.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following as a new part:

(a) There is created within the Tennessee bureau of investigation a registry of persons who have been convicted of the offense of domestic assault, pursuant to § 39-13-111.

(b) The bureau shall maintain this registry based upon information supplied to the bureau by the court clerks pursuant to subsections (c) and (d), and information available to the bureau from the department of correction and local law enforcement agencies. The bureau shall make the registry available for public inquiry on the internet.

(c) The registry must consist of the person's name, date of birth, conviction date, county or counties of convictions, and a current photograph of the person. If available after reasonable inquiry, the court clerk shall provide the bureau with a copy of the person's driver license, or other state or federal identification, and such other identifying data as the bureau determines is necessary to properly identify the convicted person and exclude innocent persons. However, the registry available for public inquiry must not include the person's address, social security number, driver license number, or any other state or federal identification number.

(d)

(1) When a person is convicted of or pleads guilty to the offense of domestic assault, pursuant to § 39-13-111, the court shall require the defendant to register under this part if the victim consents to the defendant being required to register under this part. The court shall not require the defendant to register under this part if the victim does not consent or if the victim is unavailable.

(2) If a court orders a defendant to register under this part, then the court clerk shall forward to the bureau a certified copy of the qualifying conviction and the date of birth of the defendant. The court clerk shall forward the information to the bureau within sixty (60) days of the date of the conviction.

(e) Notwithstanding § 40-35-111 and in addition to any other punishment that may be imposed for a conviction of the offense of domestic assault, pursuant to § 39-13-111, a person required to register under this part must be assessed a registration fee in the amount of one hundred fifty dollars (\$150), which must be paid to the clerk of the court imposing the sentence, who shall:

(1) Retain fifty dollars (\$50.00) of the fee for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year; and

(2) Remit one hundred dollars (\$100) of the fee to the bureau for the administration of this part, which must be reserved for the purposes authorized by this part at the end of each fiscal year.

(f) The bureau shall remove from the registry the name and other identifying information of persons required to register under this part:

(1) One (1) year after the date of the first conviction if the defendant has no prior convictions for the offense of domestic assault;

(2) Two (2) years after the date of the most recent conviction if the defendant has a previous conviction for the offense of domestic assault;

(3) Five (5) years after the date of the most recent conviction if the defendant has two (2) previous convictions for the offense of domestic assault;

(4) Ten (10) years after the date of the most recent conviction if the defendant has four (4) or more previous convictions for the offense of domestic assault; or

(5) Within five (5) days of the bureau's receipt of a written request from a victim of the offense to remove the defendant from the registry; provided, that the victim's written request must be signed by the victim before a notary public.

(g) This section applies only to persons convicted of the offense of domestic assault pursuant to § 39-13-111, for an offense that occurred on or after January 1, 2025.

SECTION 2. This act takes effect January 1, 2025, the public welfare requiring it, and applies to offenses committed on or after that date.