

SENATE BILL 392

By Black

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, to add certain juvenile sexual offenders to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

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

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivisions:

() “Violent juvenile sexual offender” means a person fourteen (14) years of age or more but less than eighteen (18) years of age who has been adjudicated delinquent in this state for any act that, if committed by an adult, constitutes a “violent juvenile sexual offense”, as defined in this section, or has another qualifying adjudication, as defined in subdivision (2). When a violent juvenile sexual offender becomes eighteen (18) years of age, such offender shall become a violent sexual offender and this part governing violent sexual offenders shall be applicable to such violent juvenile sexual offender;

() “Violent juvenile sexual offense” means being adjudicated delinquent for any act that, if committed by an adult, constitutes the criminal offense of:

(A) Aggravated rape under § 39-13-502;

(B) Rape of a child, under § 39-13-522;

(C) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision;

(D) Aggravated rape of a child, under § 39-13-531 ()

() “Registering agency” means a sheriff’s office, municipal police department, metropolitan police department, campus law enforcement agency, the TDOC, a private

contractor with the TDOC, court with juvenile court jurisdiction, or institution, home, school or other location in which a violent juvenile sexual offender is located, or the board;

SECTION 2. Tennessee Code Annotated, Section 40-39-203, is amended by adding the following new subsection (p):

(p) A juvenile court, or other court exercising juvenile jurisdiction, that adjudicates a juvenile delinquent for conduct that qualifies such juvenile as a violent juvenile sexual offender, shall, within forty-eight (48) hours, transmit the information set out in subsection (i) pertaining to such violent juvenile sexual offender, to the TBI for inclusion on the SOR.

SECTION 3. Tennessee Code Annotated, Section 40-39-202, is amended by inserting the following between the third and fourth sentences of subdivision (2):

An adjudication for a delinquent act committed in another jurisdiction that would be classified as a violent juvenile sexual offense under this section, if committed in this state, shall be considered a violent juvenile sexual offense for the purposes of this part.

SECTION 4. Tennessee Code Annotated, Section 40-39-206, is amended by adding the following between the second and third sentences of subsection (e):

All information concerning a violent juvenile sexual offender required by § 40-39-203 (i) to be transmitted from the juvenile court to the TBI shall be considered public information.

SECTION 5. Tennessee Code Annotated, Section 40-39-204, is amended by designating existing subsection (b) as subdivision (b)(1) and by adding the following new subdivision (b)(2):

(2) At least once during the months of March, June, September, and December of each calendar year, all violent juvenile sexual offenders shall report in person to the

juvenile court in which the adjudication occurred to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, and to verify the continued accuracy of the information transmitted to the TBI by the court form. If the offender is in custody, the offender shall provide this information to a person in the facility in which the offender resides who shall transmit it to the TBI.

SECTION 6. Tennessee Code Annotated, Section 40-39-207, is amended by deleting subdivision (g)(1)(B) and substituting instead the following:

(B) Has been convicted of a violent sexual offense, or has been adjudicated delinquent for a violent juvenile sexual offense, as both are defined in § 40-39-202.

SECTION 7. This act shall take effect on July 1, 2009, the public welfare requiring it and shall apply to all violent juvenile sexual offender's adjudicated delinquent for a violent juvenile sexual offense on or after such date.