

SENATE BILL 2188

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 38 and Title 39, Chapter 15, Part 4, relative to
the reporting of certain events involving children.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following as a new section thereto:

39-15-415.

(a) As used in this section, unless the context otherwise requires:

(1) "Child" means any person under eighteen (18) years of age who is not emancipated or on active duty in the armed forces;

(2) "Missing child" means a child who is believed by the child's parent to have been removed by force, persuasion, trick, enticement, false pretense, or is absent for unexplained or unknown reasons; and

(3) "Parent" means a natural or adoptive parent, guardian, or person or organization standing in a loco parentis position by virtue of an order of a court.

(b) It is an offense for a parent of a child to fail to file a report or otherwise notify law enforcement or other appropriate authorities of such child's death, accidental or otherwise, or of the fact that the child is a missing child, within one (1) hour of the time the parent, guardian or caretaker knew, discovered, should have known or discovered, or reasonably believed the child was dead. In the case of a missing child, notification shall occur within twenty-four (24) hours.

(c) It is a defense to prosecution under this section that the parent:

(1) Was injured, incapacitated or otherwise justifiably unable to notify authorities within the appropriate time; or

(2) A reasonable attempt was made to notify the appropriate authority but such attempt was unsuccessful through no fault of the parent.

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

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.