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Opinion No. 09-05

Forty-Eight Hour Rule for Sex Offender Registration

QUESTION

Does the rule in Tenn. Code Ann. § 40-39-203(a)(1) (2008 Supp.) requiring sex offenders to register in this state within forty-eight hours exclude weekends and holidays?

OPINION

Yes. A person required to register as a sex offender must do so within the statutory 48 hours of being subject to the registration requirements, unless that day is a Saturday, Sunday or a legal holiday. If the end of this 48 hour period falls on a Saturday, Sunday, or legal holiday, the registration must be completed on the next day that is not a Saturday, Sunday, or legal holiday.

ANALYSIS

Sex offenders are required to register in this state after they establish sufficient contact with Tennessee. Tenn. Code Ann. § 40-39-203(a)(1) (2008 Supp.) states:

Within forty-eight (48) hours of establishing or changing a primary or secondary residence, establishing a physical presence at a particular location, becoming employed or practicing a vocation or becoming a student in this state, the offender shall register or report in person, as required by this part.

The computation of a time requirement under Tennessee law is governed by Tenn. Code Ann. § 1-3-102 (2008 Supp.) which states:

The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or a legal holiday, and then it shall also be excluded.

In this instance, a sex offender, upon being subject to the registration requirement, would have two days to comply with the statute.¹ If that day falls upon a Saturday, Sunday, or a legal

¹ The exact time the offender became subject to the act would be immaterial, since the law does not generally recognize fractions of a day. *Allen v. Effler*, 144 Tenn. 685, 690, 235 S.W. 67, 68 (Tenn. 1921).

holiday, then the sex offender must comply with the registration requirement on the next business day.

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