

CHAPTER NO. 845

SENATE BILL NO. 2993

By Herron, Burks, Finney, McLeary, Southerland

Substituted for: House Bill No. 3023

By Maddox, Strader, Marrero

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 2, to enact the "Child Rape Protection Act of 2006".

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 2, is amended by adding the following as a new section;

§ 39-15-210.

(a) This section shall be known and may be cited as the "Child Rape Protection Act of 2006".

(b) When a physician has reasonable cause to report the sexual abuse of a minor pursuant to § 37-1-605, because such physician has been requested to perform an abortion on a minor who is less than thirteen (13) years of age, the physician shall, at the time of the report, also notify the official to whom the report is made of the date and time of the scheduled abortion and that a sample of the embryonic or fetal tissue extracted during such abortion will be preserved and available to be turned over to the appropriate law enforcement officer conducting the investigation into the rape of such minor.

(c) (1) In the transmission of such embryonic or fetal tissue sample to the appropriate law enforcement officer, in order to protect the identity and privacy of the minor, all identifying information concerning such minor shall be treated as confidential and shall not be released to anyone other than the investigating and prosecuting authorities directly involved in the case of the particular minor.

(2) Where the minor has obtained a judicial waiver of the parental notification requirements pursuant to Title 37, Chapter 10, Part 13, confidentiality shall be maintained as provided in such part.

(d) It is an offense for a physician licensed or certified under Title 63, Chapters 6 or 9, or other person to knowingly fail to comply with the provisions of this section or any rule or regulation adopted pursuant to this section.

(1) A first violation of this section is a civil penalty to be assessed by the provider's health related board of not less than five hundred dollars (\$500);

(2) A second violation of this section is civil penalty to be assessed by the provider's health related board of not less than one thousand dollars (\$1,000); and

(3) A third or subsequent violation of this section is a Class A misdemeanor.

(e) If the person performing the abortion is a physician licensed or certified under Title 63, Chapters 6 or 9, such violation constitutes unprofessional conduct. Such conduct subjects the physician, in addition to the penalties set out in subsection (d), to disciplinary action.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.

Passed: May 25, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 2nd day of June 2006


PHIL BREDESEN, GOVERNOR