

# LEGAL UPDATE

SEX OFFENDER  
TREATMENT  
CONFERENCE

NOVEMBER 20, 2015



# PUBLIC CHAPTER 237

Child Custody and Support - As enacted, specifies that it is grounds for the termination of parental rights that the parent or guardian is convicted on or after July 1, 2015, of the offense of sex trafficking of children under federal law, or under the law of another state. - Amends TCA Section 36-1-113. (HB 0308 / SB 0697)

# PUBLIC CHAPTER 238

Child Custody and Support - As enacted, prohibits the court from awarding any form of custody to a parent who is indicted for aggravated child abuse, sexual abuse of a child, or severe child sexual abuse while indictment is still pending, unless presumption of substantial risk of harm to child is overcome; allows supervised visitation. - Amends TCA Title 36, Chapter 6, Part 1. (HB 0218 / SB 1089)

# PUBLIC CHAPTER 238

## Key Changes:

A parent is *presumed* to present a substantial risk of harm to the child if the parent is under indictment for the offense of aggravated child abuse, child sexual abuse, or severe child sexual abuse

# PUBLIC CHAPTER 253

Sexual Offenses - As enacted, provides that a victim of a sexually oriented crime is entitled to a forensic medical examination without charge to the victim; establishes requirements for collection of evidence, testing, and handling of such evidence; requires the domestic violence state coordinating council to create a model policy for law enforcement agencies responding to reports of sexually oriented crimes and requires all law enforcement agencies that are likely to encounter reports of sexually oriented crimes to establish written policies and procedures on responding to reports of sexually oriented crimes. - Amends TCA Title 29, Chapter 13, Part 1; Title 38, Chapter 6, Part 1 and Title 39, Chapter 13, Part 5. (HB 1239 / SB 0981)

# PUBLIC CHAPTER 253

## Key Changes:

The law enforcement agency shall, within sixty (60) days of taking possession of the sexual assault evidence collection kit with the victim's name affixed to it, submit the kit to the Tennessee bureau of investigation or similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

Upon receipt of a hold kit with only an identification number attached to it, the law enforcement agency shall store the hold kit for a minimum of three (3) years or until the victim makes a police report, whichever event occurs first. Once the victim makes a police report, the law enforcement agency shall have sixty (60) days from the date of the police report to send the sexual assault evidence collection kit to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing.

# PUBLIC CHAPTER 284

Sexual Offenders - As enacted, requires persons convicted of the offense of sexual contact with inmates to register as a sexual offender and allows such persons to file a request for termination of registration no sooner than three years after termination of active supervision or no sooner than three years after discharge from incarceration without supervision. - Amends TCA Title 40, Chapter 39. (HB 0880 / SB 0853)

# PUBLIC CHAPTER 286

Students - As enacted, requires a school in which a child who is a suspected victim of child sexual abuse that occurred while the child was under the supervision or care of the school to make reasonable accommodations to separate the alleged victim of child sexual abuse from the alleged perpetrator. - Amends TCA Title 37 and Title 49. (HB 1221 / SB 0656)

# PUBLIC CHAPTER 286

## Additional Points:

If available and appropriate, the local school board shall, upon request by the parent of the child, reassign a child who attends a public school and is the victim of child sexual abuse as defined in § 37-1-602(a)(3) when: (1) The abuse occurred while the child was under the supervision or care of the school; and (2) The perpetrator of the abuse is: (A) Substantiated by the department of children's services; (B) Adjudicated by a juvenile court to have committed the child sexual abuse; or (C) Criminally charged.

# PUBLIC CHAPTER 316

Juvenile Offenders - As enacted, clarifies the definition of “violent juvenile sexual offender” to apply when the offender is between the ages of 14 and 18 when the qualifying act is committed. - Amends TCA Section 40-39-202. (SB 0599 / HB 0534)

# PUBLIC CHAPTER 469

Criminal Procedure - As enacted, allows a person who is mandated to comply with the requirements of sex offender registry, based solely upon a conviction for aggravated prostitution may petition the sentencing court for termination of the registration requirements based on the person's status as a victim of: a human trafficking offense, a sexual offense, or domestic abuse. - Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 39, Part 2. (SB 1160 / HB 0754)

# PUBLIC CHAPTER 516

Sexual Offenders - As enacted, prohibits sexual offenders and violent sexual offenders from being alone with minors in a private place; makes clarifications to the registry such as requiring the offender to divulge social media names. - Amends TCA Title 40, Chapter 39, Part 2. (HB 0810 / SB 0679)

# PUBLIC CHAPTER 516

## Key Changes:

Related to contact: “United States postal service or by electronic means”

"Social Media" means web sites and other online means of communication that are usually used by large groups of people to share information, to develop social and professional contacts, and that customarily require an identifying password and user identification to participate;

Offenders must provide: A complete listing of the offender's electronic mail address information, including usernames, any social media accounts the offender uses or intends to use, instant message, other Internet communication platforms or devices, and the offender's username, screen name, or other method by which the offender accesses these accounts or web sites.

# Questions?

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