



**TENNESSEE BUREAU OF INVESTIGATION
TENNESSEE FUSION CENTER
SEX OFFENDER REGISTRY
STANDARD OPERATING PROCEDURES**



SOR Termination Process

PURPOSE: The purpose of this procedure is to define the necessary steps for the TBI Sex Offender Registry Unit (SORU) in processing offenders' requests for termination from the Sex Offender Registry (SOR). A copy of this standard operating procedure shall be posted on the TBI public sex offender registry website.

PROCEDURAL PROCESS:

1. Offenders classified on the Tennessee SOR as Violent Sexual Offenders must register for life and are not eligible for termination. These offenders include those who are registered for a Tennessee conviction of:
 - Aggravated rape, under 39-2-603 or 39-13-502;
 - Rape, under 39-2-604 or 39-13-503;
 - Aggravated sexual battery, under 39-2-606 or 39-13-504;
 - Rape of a child, under 39-13-522;
 - Attempt to commit rape, under 39-2-608;
 - Aggravated sexual exploitation of a minor under 39-17-1004;
 - Especially aggravated sexual exploitation of a minor, under 39-17-1005;
 - Aggravated kidnapping where the victim is a minor, under 39-13-304, except when committed by a parent of the minor;
 - Especially aggravated kidnapping where the victim is a minor, under 39-13-305, except when committed by a parent of the minor;
 - Sexual battery by an authority figure, under 39-13-527;
 - Solicitation of a minor, under 39-13-528, if a Class B or C Felony;
 - Spousal rape, under 39-13-507(b)(1);
 - Aggravated spousal rape, under 39-13-507(c)(1);
 - Criminal exposure to HIV, under 39-13-109(a)(1);
 - Statutory rape by an authority figure, under 39-13-532;
 - Incest under, under 39-15-302 (Committed on or after May 30, 2007); or
 - Aggravated rape of a child, under 39-13-531
 - Aggravated prostitution, under 39-13-516 (Committed on or after July 1, 2010);
 - Trafficking for sexual servitude, under 39-13-309;
 - Trafficking for a Commercial Sex Act, under 39-13-309;
 - Promotion of Prostitution-one (2) or more prior convictions, under 39-13-515
 - Criminal attempt, under 39-12-101 to commit any of the offenses listed above; or
 - Solicitation, under 39-12-102 to commit any of the offenses listed above; or



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- Conspiracy, under 39-12-103 to commit any of the offenses listed above; or
- Criminal responsibility under 39-11-402(2) to commit any of the offenses listed above; or
- Facilitating the commission, under 39-11-403, of any of the offenses above; or
- Being an accessory after the fact, under 39-11-411, to any of the offenses above.

Offenders may also be classified as Violent Sexual Offenders in Tennessee due to convictions occurring in other states, federal courts, military tribunals, or in foreign countries, where the out of state offense equates to one of the Tennessee criminal offenses listed above.

2. Offenders classified on the Tennessee SOR as Sexual Offenders may apply for termination from the Tennessee SOR, if they meet certain qualifications.

An offender whose victim was over the age of 12 at the time of the offense, and after a minimum of 10 years after termination from active supervision from probation, parole or other alternative to incarceration or no sooner than 10 years from discharge from incarceration without supervision, offenders classified as Sexual Offenders must file a written request for termination of registration requirements to:

ATTN: SOR Terminations
TBI Sex Offender Registry Unit
901 R.S. Gass Blvd.
Nashville, TN 37216

or

TBISORMGR@tn.gov .

The letter shall simply state, “Please consider me for termination from the Tennessee Sex Offender Registry” (and nothing further) and shall contain the date of the letter, the offender’s name, date of birth, TOMIS/SO # (if known), and address. The offender shall both legibly print and sign their name at the bottom of the letter.

- A. Certain Sexual Offenders convicted solely of Statutory Rape may be eligible for an immediate request for termination based upon the circumstances of the offense as determined by TBI. Any offender required to register pursuant to this chapter because such offender was convicted of



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the offense of statutory rape under 39-13-506, and such offense was committed prior to July 1, 2006, may file a written request for termination of registration requirements (as outlined above), if such offense would not be required to register if such offense was committed on or after July 1, 2006. In short: the offender may be eligible to apply immediately for termination, if there was less than a ten (10) year age difference between the offender and the victim.

- B. If it is determined that the sexual offender has not been convicted of any additional sexual offenses or violent sexual offenses and the sexual offender has substantially complied with the registration requirements, the TBI shall remove the offender's name from the SOR and shall notify the offender that the offender is no longer required to comply with the registration requirements. The offender must have been on the registry for a minimum of five (5) years before applying for termination, regardless of the number of years since the expiration of their sentence or supervision. The five (5) year period may be waived in cases of certain statutory rape convictions, or an equivalent conviction, from another jurisdiction.
- C. If a person convicted of an offense was not required to register as an offender prior to July 1, 2010, for an offense now classified as a sexual offense, the person may file a request for termination of registration requirements with TBI headquarters in Nashville, no sooner than five (5) years from July 1, 2010, or the date the person first registered with the SOR, whichever date is later. The procedure, criteria for removal and other requirements of this section shall otherwise apply to an offender subject to removal after five (5) years.
- D. Sexual Offenders who are denied a termination request based on substantial noncompliance, may petition again for termination no sooner than five (5) years after the previous denial.

3. Letters received by TBI from Sexual Offenders requesting termination of registration requirements will be processed as follows:

- A. The letter is received in CIU-SOR by the TBI Analyst assigned to handling mail. The Analyst is responsible for scanning and indexing the letter into FileNet and logging the letter into the Termination Database. (The Termination Database located at: G: CID/CIU-(new)/SOR/Terminations). The letter is then given to the Analyst assigned to Terminations.



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- B. An initial eligibility for termination should be performed by the TBI Analyst using information from the offender file and the qualifying factors:
- I. Is the offender classified as a Violent Sexual offender? If yes, the offender does not qualify and must remain on the registry for life.
 - II. Is the offender classified as a Sexual offender? If yes, the offender is qualified to be removed 10 years after the expiration of their sentence, provided there are no additional qualifying arrests and his victim was over 12 years of age at the time of the offense.
 - III. Has the offender been on the registry a minimum of five (5) years?
 - IV. If the offender was convicted of statutory rape, the offender may immediately qualify to be removed provided that there are no additional sexual convictions and there is less than a 10 year age difference between the offender and the victim, or the offender's registration was not court ordered after 7/1/2012. If there is a ten (10) year or greater age difference, the offender must wait until ten (10) years after expiration of sentence.
- C. If the offender is initially deemed ineligible for termination, the TBI Analyst will respond to the offender's request by e-mail or letter, stating the reason(s) the offender is ineligible and the date the offender may re-apply, if said date exists and added to the TBI offender file. The TBI Analyst will refer to the standard form letters located at: G: CID/CIU-(new)/SOR/SOR Desktop /Form Letters.
- D. If the offender is initially deemed eligible for termination, the TBI Analyst shall obtain proof of conviction through a judgment order, the TOMIS database, the National Sex Offender Public Website (<http://www.nsopw.gov>), or other state databases, to be used by the legal staff in determining if the offender qualifies for termination (this information may already be in the offender file). All new documents obtained should be added to the offender file.
- E. A letter will be sent by e-mail or letter from TBI to the offender notifying him of his eligibility and instructing him to report to his registering agency to be fingerprinted. (See G: CID/CIU- (new)/SOR/SOR Desktop /Form Letters.)



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- I. If the offender is currently incarcerated, he must make special arrangements with the incarcerating facility to be fingerprinted. (See G: CID/CIU- (new)/SOR/SOR Desktop /Form Letters.)
- F. TBI will send an e-mail or letter to the designated law enforcement agency advising that the offender must be fingerprinted by the agency pursuant to TCA 40-39-207. The agency is responsible for fingerprinting the offender using (1) one of their own fingerprint cards. The agency has the option to print the offender by ink or live-scan. If the agency decides to use live-scan they must print the card locally (**DO NOT SUBMIT THESE CARDS TO TBI ELECTRONICALLY**). The agency shall type or write "SOR Termination" in the charge/citation section located on the back of the fingerprint card. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letters for template of the letter.)
 - I. A copy of the e-mail or letter will be added to the TBI offender file.
 - II. The agency should contact the Professional Standards Unit (PSU) at TBI after receiving this letter and advise Alex Stuart at (615) 744-4218 of any possible violations for the offender.
- G. The one fingerprint card that is received within the TBI SORU from the designated law enforcement agency will be forwarded to TBI's Criminal Records Unit for a fingerprint based record check.
- H. The complete TBI offender file will be forwarded to an attorney in the TBI Professional Standards Unit to await further information from the TBI Criminal Records Unit regarding the offender's fingerprint check.
- I. TBI's Criminal Records Unit will complete the fingerprint-based record check, and then forward all of the fingerprint reports (criminal history) to the TBI Professional Standards Unit for a termination decision. The Professional Standards Unit will determine whether or not the offender has been convicted of any additional sexual offenses or violent sexual offenses during the registration period and whether or not the offender has substantially complied with the registration requirements. The fingerprints and related reports (criminal history) shall be added to the TBI offender file.



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- J. If a determination is made that the offender has not been convicted of any additional sexual offenses or violent sexual offenses during the ten-year period and the offender has substantially complied with the registration requirements, the Professional Standards Unit will instruct a TBI Analyst assigned to the SORU to remove the offender's name from the SOR database.
- I. The TBI Analyst shall remove the offender from the SOR (including the TBI public website).
 - II. The offender will be notified in writing by the TBI Professional Standards Unit (PSU) that he/she is no longer required to comply with the registration requirements.
Offenders must continue to register and report after applying for termination until such letter is received.
The designated law enforcement agency will also receive a copy of the offender letter and shall forward a copy of the letter to the agency's NCIC Terminal Agency Coordinator (TAC) to clear (CXS) the offender in NCIC. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letter.)
 - III. Offenders should be cleared from NCIC by the registering agency using the CXS screen in cases where the offender has met all registration requirements and is being terminated because of eligibility. Clearing an offender in NCIC leaves a history trail of past entries in NCIC for other law enforcement agencies to see, **(add this information in the Miscellaneous Field; Offender has applied and was granted termination from the sex offender registry).**
4. If a determination is made by the Professional Standards Unit that the Sexual Offender has been convicted of additional sexual offenses or violent sexual offenses or the offender has not substantially complied with the registration requirements during the ten-year period, the TBI will not remove the offender from the SOR and the registering agency will not Clear (CXS) the offender in NCIC.
- A. The offender will be notified in writing by the PSU as to why he/she is not being removed from the SOR. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letter for template of the letter.)
 - B. Copy of the letter will be added to the TBI offender file.



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C. The Professional Standards Unit shall modify the SOR Termination Database.

5. Offenders classified on the Tennessee SOR as Violent Juvenile Sexual Offenders may apply for termination from the Tennessee SOR in writing if they meet certain qualifications. Violent Juvenile Sexual Offenders who reach the age of twenty-five (25), and who have not been adjudicated or convicted of a subsequent qualifying registerable offense as set out in TCA 40-39-202 (20), TCA 40-39-202 (28), or TCA 40-39-202 (30), shall be eligible for termination from the Tennessee SOR.

Offenders classified as Violent Juvenile Sexual Offenders may file a written request for termination of registration requirements to:

ATTN: SOR Terminations
TBI Sex Offender Registry Unit
901 R.S. Gass Blvd.
Nashville, TN 37216.

The letter shall contain the date of the letter, the offender's name, date of birth, TOMIS/SO # (if known), and address, and shall exactly state the following,

"Please consider me for termination from the Tennessee Sex Offender Registry. I swear, under penalty of perjury, since the time of my original adjudication, I have not been convicted of or adjudicated delinquent of any subsequent offense contained in the offenses listed in T.C.A. 40-39-202 (20), 40-39-202 (28), or 40-39-202 (30). I have not been convicted of or adjudicated delinquent of any similar crimes committed in other jurisdictions outside the state of Tennessee."

The offender shall both legibly print and sign his name at the bottom of the letter.

6. Letters received by TBI from Violent Juvenile Sexual Offenders requesting termination of registration requirements will be processed as follows:

A. The letter is received in CIU-SOR by the TBI Analyst assigned to handling mail. The Analyst is responsible for scanning and indexing the letter into FileNet and logging the letter into the Termination Database. (The Termination Database located at: G: CID/CIU-(new)/SOR/Terminations). The letter is then given to the Analyst assigned to Terminations.



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- B. An initial eligibility for termination should be performed by the TBI Analyst using information from the offender file, NCIC, and the qualifying factors:
- I. Has the Violent Juvenile Sexual Offender reached the age of twenty-five (25)? If no, the offender does not qualify and must remain on the registry.
 - II. Has the Violent Juvenile Sexual Offender been convicted of a subsequent offense that would disqualify him for termination and change his classification to Violent Sexual Offender? If yes, the offender does not qualify and must remain on the registry for life. The offender's classification in the SOR Database should be changed to Violent Sexual Offender.
 - III. Was the Violent Juvenile Sexual Offender's victim over the age of 12 at the time of the offense? If no, the offender does not qualify and must remain on the registry.
- C. If the offender is initially deemed ineligible for termination, the TBI Analyst will respond to the offender's request by e-mail or letter, stating the reason(s) the offender is ineligible and the date the offender may re-apply, if said date exists. The TBI Analyst will refer to the standard form letters located at: G>Data/CIU/CID/SOR/Form Letter.
- D. If the offender is initially deemed eligible for termination the TBI Analyst will obtain proof of conviction through a judgment order, the TOMIS database, the National Sex Offender Public Website (<http://www.nsopw.gov>), or other state databases, to be used by the legal staff in determining if the offender qualifies for termination (This information may already be in the offender file). All new documents will be added to the offender file.
- E. A letter will be sent by e-mail or letter from TBI to the offender notifying him of his eligibility and instructing him to report to his registering agency to be fingerprinted, together with an affidavit to be signed by the offender. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letter.)
- I. If the offender is currently incarcerated, he must make special arrangements with the incarcerating facility to be fingerprinted. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letter.)



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- F. TBI will send an e-mail or letter to the designated law enforcement agency advising that the offender must be fingerprinted by the agency pursuant to TCA 40-39-207. The agency is responsible for fingerprinting the offender using (1) one of their own fingerprint cards. The agency has the option to print the offender by ink or live-scan. If the agency decides to use live-scan they must print the cards locally (**DO NOT SUBMIT THESE CARDS TO TBI ELECTRONICALLY**). The agency shall type or write "SOR Termination" in the charge/citation section located on the back of the fingerprint card. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letters for template of the letter.)
- I. A copy of the letter will be added to the TBI offender file.
- I. The one fingerprint card that is received within the TBI SORU from the designated law enforcement agency will be forwarded to TBI's Criminal Records Unit for a fingerprint based record check.
- J. The complete TBI offender file will be forwarded to an attorney in the TBI Professional Standards Unit to await further information from the TBI Criminal Records Unit regarding the offender's fingerprint checks.
- K. TBI's Criminal Records Unit will complete the state fingerprint-based record check, hold the results until the FBI results are received, and then forward all of the fingerprint reports (criminal history) to the TBI Professional Standards Unit for a termination decision. The Professional Standards Unit will determine whether or not the offender has been convicted of or adjudicated delinquent of any additional sexual offenses, violent sexual offenses, or violent juvenile sexual offenses, or similar offenses in other jurisdictions outside of Tennessee, subsequent to the offender's original adjudication. The fingerprints and related reports (criminal history) shall be added to the TBI offender file.
- L. If a determination is made that the offender has not been convicted of or adjudicated delinquent of any additional sexual offenses, violent sexual offenses, or violent juvenile sexual offenses, or similar offenses in other jurisdictions, subsequent to the offender's original adjudication, the Professional Standards Unit will instruct a TBI Analyst assigned to the SORU to remove the offender's name from the SOR.
- I. The TBI Analyst shall remove the offender from the SOR.



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- II. The offender will be notified in writing by the TBI PSU that he/she is no longer required to comply with the registration requirements. **Offenders must continue to register and report after applying for termination until such letter is received.** The designated law enforcement agency will also receive a copy of the offender letter and shall forward a copy of the letter to the agency's NCIC Terminal Agency Coordinator (TAC) to clear (CXS) the offender in NCIC. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letter for template of the letter.)
 - IV. Offenders should be cleared from NCIC by the registering agency using the CXS screen in cases where the offender has met all registration requirements and is being terminated because of eligibility. Clearing an offender in NCIC leaves a history trail of past entries in NCIC for other law enforcement agencies to see.
7. If a determination is made by the Professional Standards Unit that the Violent Juvenile Sexual Offender has been convicted of additional sexual offenses, violent sexual offenses, or violent juvenile sexual offenses, or similar offenses in other jurisdictions outside of Tennessee, subsequent to the offender's original adjudication, the TBI will not remove the offender from the SOR or NCIC.
- A. The offender will be notified in writing why he/she is not being removed from the SOR. The designated law enforcement agency will receive a copy of the offender letter. (See G: CID/CIU- (new)/SOR/SOR Desktop/Form Letter for template of the letter.)
 - B. Copy of the letter will be added to the TBI offender file.
 - C. The Professional Standards Unit shall modify the SOR Termination Database.

Related Forms:

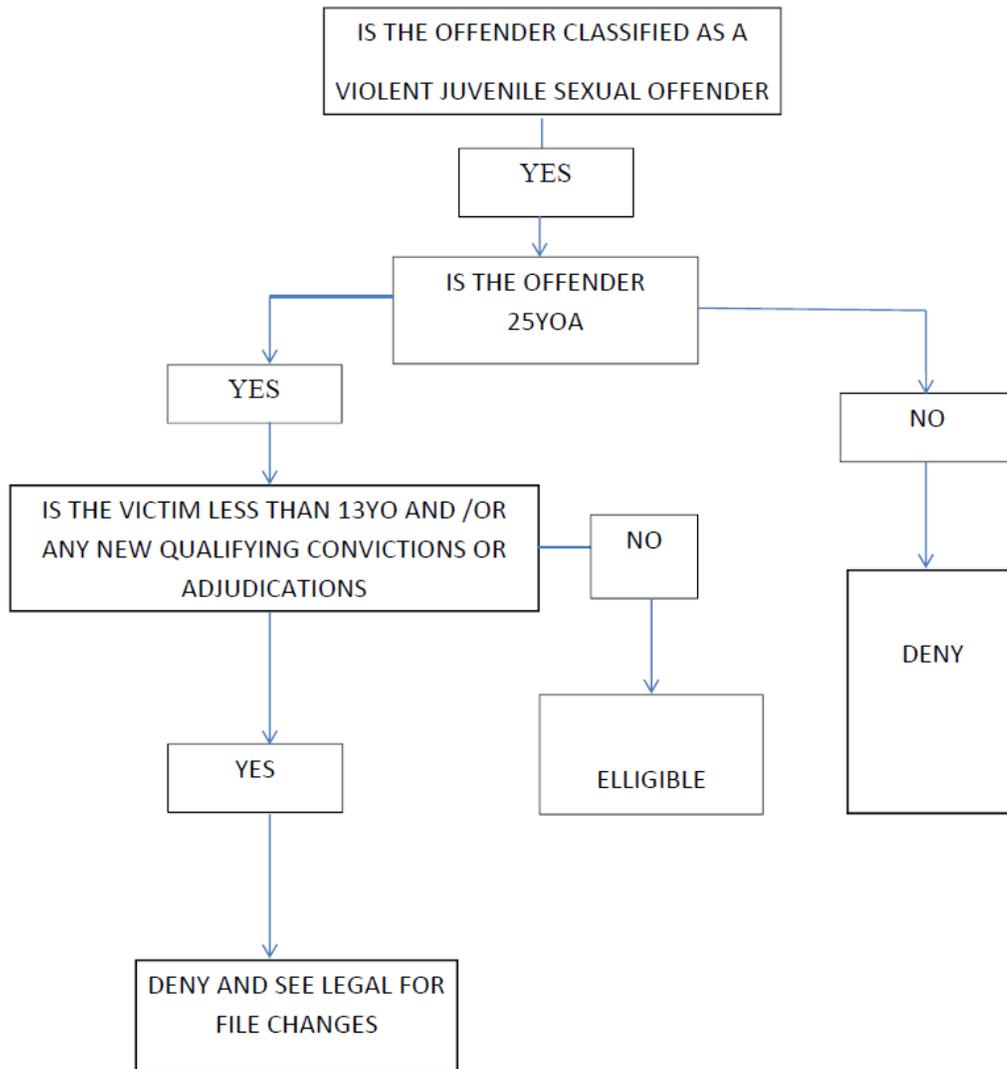
Termination Flowchart



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TERMINATION FLOWCHART: VIOLENT JUVENILE SEXUAL OFFENDERS





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