



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



Registering Statutory Rape Convictions

PURPOSE: The purpose of the procedure is to define the necessary guidelines for Tennessee Sex Offender Registering Agencies and the TBI Sex Offender Registry Unit (SORU) to use in determining the registration requirement for offenders convicted in Tennessee of Statutory Rape.

The law regarding the registration of statutory rape in Tennessee, changed effective July 1, 2006, and states:

1. Found at TCA 40-39-202(20)(A)(ii), for the commission of any act that, **on or after November 1, 1989**, constitutes the criminal offense of:

Statutory rape, under 39-13-506, if the defendant has one or more prior convictions for mitigated statutory rape under 39-13-506(a), statutory rape under 39-13-506(b) or aggravated statutory rape under 39-13-506(c).

Registering agencies shall only register a statutory rape conviction occurring on or after 11/1/1989 if there is a prior conviction for statutory rape.

The term "PRIOR CONVICTION" is defined. Multiple counts in the same case do not constitute a prior conviction. Call TBI for clarification.

2. TCA 40-39-202(20)(B)(ii), for the commission of any act, that **prior to November 1, 1989**, constituted the criminal offense of:

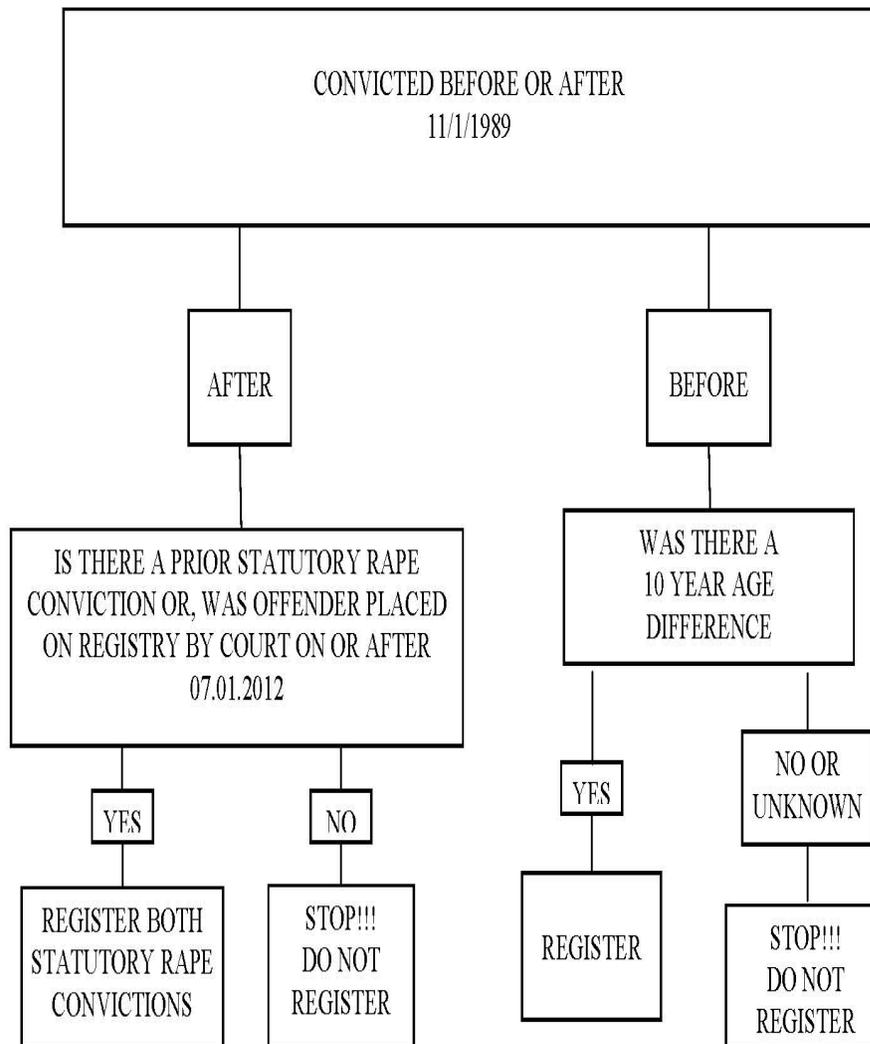
Statutory rape, under 39-2-605 [repealed], only if the facts of the conviction satisfy the definition of aggravated statutory rape; (10 year or more age difference)

Only register statutory rape occurring prior to 11/1/1989 if there is a ten year or more age difference. If you cannot determine the age difference, call TBI for assistance. If the age difference cannot be ascertained, the offender will not be registered.

3. Effective July 1, 2012, the General Assembly allowed statutory rape defendants to be added to the Sex Offender Registry based on the Judge's Order. These offenders's shall be classified as "sexual" and shall be eligible to apply for termination ten (10) years after the expiration of sentence. TCA 40-39-202(20)(A)(ii).

Statutory Rape Flowchart Attached.

STATUTORY RAPE FLOWCHART



APPLIES ONLY TO TENNESSEE CONVICTIONS. IF ANOTHER STATE REQUIRES REGISTRATION,
OFFENDERS MUST REGISTER IN TENNESSEE.