STATE OF TENNESSEE
OFFICE OF THE
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Opinion No. 09-142

A Registered Sex Offender's Attendance at School Events Open to the Public

QUESTION

May a registered sex offender, as the parent or legal guardian of a child who is enrolled in school and is participating in a school-sponsored conference or event, attend such events that are open to the public under Tenn. Code Ann. § 40-39-211(d)(2)(B)?

OPINION

Tenn. Code Ann. § 40-39-211(d)(2)(B) provides that certain registered sex offenders may be upon school grounds while attending academic conferences or other scheduled school events where school officials are present if the offender is the parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event.

ANALYSIS

Tenn. Code Ann. § 40-39-211(d)(1) circumscribes certain conduct of a registered sex offender whose victim was a minor. It states:

> No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall knowingly:
>
> (A) Be upon or remain on the premises of any school building or school grounds in this state when the person has reason to believe children under eighteen (18) years of age are present;
>
> (B) Stand, sit idly, whether or not the person is in a vehicle, or remain within five hundred feet (500') of a school building or on school grounds in this state when children under eighteen (18) years of age are present, while not having a reason or relationship involving custody of or responsibility for a student or any other specific legitimate reason for being there ; or

(C) Be in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when children under eighteen (18) years of age are present in the conveyance.

An exception to that general prohibition is found in Tenn. Code Ann. § 40-39-211(d)(2)(B), which provides that "[s]ubdivision (d)(1) shall not apply when the offender…[i]s attending an academic conference or other scheduled school event with school officials as a parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event."

Your question asks whether the exception contained in Tenn. Code Ann. § 40-39-211(d)(2)(B) applies if the conference or event is public. The primary objective of statutory construction is to ascertain and give effect to the intention and purpose of the legislature. *Eastman Chemical Company v. Johnson*, 151 S.W.3d 503, 507 (Tenn. 2004). "Legislative intent is determined 'from the natural and ordinary meaning of the language within the context of the entire statute without any forced or subtle construction that would extend or limit the statute's meaning.'" *State v. Pickett*, 211 S.W.3d 696, 700 (Tenn. 2007) (quoting *Ozborn v. Marr*, 127 S.W.3d 737, 740 (Tenn. 2004).

The language of Tenn. Code Ann. § 40-39-211(d)(2)(B) indicates that the legislature intended to create an exception to Tenn. Code Ann. § 40-39-211(d)(1) for a parent or legal guardian whose child is enrolled in school and who wishes to attend a school event with school officials present. The language of the statute does not distinguish between public and private events. It is the opinion of this office that an offender with a child enrolled in school may attend a school-sponsored event, whether the event is open to the public or not, so long as school officials are present and the child is participating in the conference or event.

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