



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

[West's Tennessee Code Annotated](#)

[Title 40. Criminal Procedure](#)

[Chapter 39. Offender Registration and Monitoring](#)

[Part 2. Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking
Act of 2004 \(Refs & Annos\)](#)

T. C. A. § 40-39-208

§ 40-39-208. Violations; certification

Effective: July 1, 2019

[Currentness](#)

(a) It is an offense for an offender to knowingly violate any provision of this part. Violations shall include, but not be limited to:

- (1) Failure of an offender to timely register or report;
- (2) Falsification of a TBI registration form;
- (3) Failure to timely disclose required information to the designated law enforcement agency;
- (4) Failure to sign a TBI registration form;
- (5) Failure to pay the annual administrative costs, if financially able;
- (6) Failure to timely disclose status as a sexual offender or violent sexual offender to the designated law enforcement agency upon reincarceration;
- (7) Failure to timely report to the designated law enforcement agency upon release after reincarceration;
- (8) Failure to timely report to the designated law enforcement agency following reentry in this state after deportation;
- (9) Failure to timely report to the offender's designated law enforcement agency when the offender moves to another state; and
- (10) Conviction of a new sexual offense, violent sexual offense, or violent juvenile sexual offense.

(b) A violation of this part is a Class E felony. No person violating this part shall be eligible for suspension of sentence, diversion or probation until the minimum sentence is served in its entirety.

(c) The first violation of this part is punishable by a fine of not less than three hundred fifty dollars (\$350) and imprisonment for not less than ninety (90) days.

(d) A second violation of this part is punishable by a fine of not less than six hundred dollars (\$600) and imprisonment for not less than one hundred eighty (180) days.

(e) A third or subsequent violation of this part is punishable by a fine of not less than one thousand one hundred dollars (\$1,100) and imprisonment for not less than one (1) year.

(f) A violation of this part is a continuing offense. If an offender is required to register pursuant to this part, venue lies in any county in which the offender may be found or in any county where the violation occurred.

(g) In a prosecution for a violation of this section, upon the request of a district attorney general, law enforcement agency, the department of correction or its officers or a court of competent jurisdiction and for any lawful purpose permitted by this part, the records custodian of SOR shall provide the requesting agency with certified copies of specified records being maintained in the registry.

(h) The records custodian providing copies of records to a requesting agency, pursuant to subsection (g), shall attach the following certification:

I, _____, HAVING BEEN APPOINTED BY THE DIRECTOR OF THE TENNESSEE BUREAU OF INVESTIGATION AS CUSTODIAN OF THE BUREAU'S CENTRALIZED RECORDS SYSTEM OF SEXUAL AND VIOLENT SEXUAL OFFENDERS, REGISTRATION, VERIFICATION AND TRACKING INFORMATION (SOR), HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORDS MAINTAINED WITHIN SAID REGISTRY.

SIGNATURETITLEDATE

AFFIX THE BUREAU SEAL HERE

(i) Sexual offender, violent sexual offender and violent juvenile sexual offender registry files and records maintained by the TBI may be digitized. A digitized copy of any original file or record in the TBI's possession shall be deemed to be an original for all purposes, including introduction into evidence in all courts or administrative agencies.

(j) Notwithstanding any law to the contrary, a violent juvenile sexual offender who knowingly violates this part commits a delinquent act as defined by the juvenile code.

Credits

2004 Pub.Acts, c. 921, § 1; 2005 Pub.Acts, c. 316, § 1; 2006 Pub.Acts, c. 890, § 19, eff. July 1, 2006; 2008 Pub.Acts, c. 1164, § 8, eff. July 1, 2008; 2009 Pub.Acts, c. 145, § 1, eff. May 5, 2009; 2011 Pub.Acts, c. 483, §§ 16, 17, eff. July 1, 2011; 2012 Pub.Acts, c. 727, § 49, eff. July 1, 2012; 2019 Pub.Acts, c. 232, § 1, eff. July 1, 2019.

Notes of Decisions (5)

T. C. A. § 40-39-208, TN ST § 40-39-208

Current with laws from the 2019 First Reg. Sess. of the 111th Tennessee General Assembly, eff. through July 7, 2019. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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