

SENATE BILL 679

By Massey

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, Part 2, relative to sexual offenders and violent sexual offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-39-211, is amended by adding the following as a new subsection:

(k)

(1) As used in this subsection, unless the context otherwise requires:

(A) "Alone with" means one (1) or more offenders covered by this subsection is in the presence of a minor or minors in a private area; and

(i) There is no other adult present in the area;

(ii) There is another adult present in the area but the adult is asleep, unconscious, or otherwise unable to observe the offender and the minor or minors;

(iii) There is another adult present in the area but the adult present is unable or unwilling to come to the aid of the minor or minors or contact the proper authorities, if necessary; or

(iv) There is another adult present in the area but the adult is also a sexual offender or violent sexual offender mandated to comply with the requirements of this chapter.

If the offender is in a private area where the offender has the right to be, the offender is not "alone with" a minor or minors if the offender is engaged in an otherwise lawful activity and the presence of the minor or

minors is incidental, accidental, or otherwise unrelated to the offender's lawful activity; and

(B) "Private area" means in or on any real or personal property, regardless of ownership, where the conduct of the offender is not readily observable by anyone but the minor or minors alone with the offender.

If the private area contains multiple rooms, such as a hotel, motel, or other place of temporary lodging, any room, rooms, or other area that the offender occupies with a minor or minors and that otherwise meets the requirements of this definition shall be considered a private area.

(2) Unless otherwise permitted by subsection (c) of this section, while mandated to comply with the requirements of this chapter, no sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall be alone with a minor or minors in a private area.

SECTION 2. Tennessee Code Annotated, Section 40-39-211, is amended by deleting from subsection (i) the language "(a)-(d)" and substituting instead the language "(a)-(d) and (k)".

SECTION 3. Tennessee Code Annotated, Section 40-39-203(k), is amended by deleting the language "United States postal service" and substituting instead the language "United States postal service or by electronic means".

SECTION 4. Tennessee Code Annotated, Section 40-39-205(c)(2), is amended by deleting from the second sentence the language "United States postal service" and substituting instead the language "United States postal service or by electronic means".

SECTION 5. Tennessee Code Annotated, Section 40-39-204(d), is amended by deleting the language "United States postal service" and substituting instead the language "United States postal service or by electronic means".

SECTION 6. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivision:

( ) "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;

SECTION 7. Tennessee Code Annotated, Section 40-39-203, is amended by deleting subdivision (i)(17) and substituting instead the following:

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

SECTION 8. This act shall take effect July 1, 2015, the public welfare requiring it.