

PUBLIC CHAPTER NO. 525**HOUSE BILL NO. 252**

By Representatives Harwell, Williams, Lundberg, Hardaway, Jim Cobb, Overbey, Maggart, Lynn, Phillip Johnson, Harrison, Vaughn, Roach, Ford, Dean, Curt Cobb, Hill, Briley, Bibb, Harry Brooks, Kevin Brooks, Shaw, Bone, Windle, Odom, Harmon, Moore, Sherry Jones, Fitzhugh, Todd, Baird, Rowland, Bell, Floyd, McManus, Matheny, Coley, Lollar, Fincher, Pitts, Ferguson, Eldridge, Hood, Watson, Campfield, Ulysses Jones, Gresham, Rinks, Hackworth, Maddox, Sontany, Coleman, McDonald, Armstrong, Tindell, Hensley, Curtis Johnson, Mike Turner, Pinion, Shepard, Hawk, Crider, McCord, McDaniel, DuBois, Nicely, Sargent, Matlock

Substituted for: Senate Bill No. 230

By Senators Black, Bunch, Marrero, Burks, Raymond Finney

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5 and Title 40, Chapter 35, relative to the punishment for certain child sexual predators.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-523, is amended by deleting the section in its entirety and substituting instead the following:

§ 39-13-523.

(a) As used in this section, unless the context otherwise requires:

(1)

(A) "Child sexual predator" means a person who:

(i) Is convicted in this state of committing an offense on or after July 1, 2007 that is classified in subdivision (D) as a predatory offense; and

(ii) Has one (1) or more prior convictions for an offense classified in subdivision (D) as a predatory offense.

(B) "Prior convictions" mean, for purposes of this subdivision (1), that the person serves and is released or discharged from a separate period of incarceration or supervision for the commission of a predatory offense classified in subdivision (D) prior to committing another predatory offense classified in subdivision (D). "Prior convictions" include convictions under the laws of any other state, government or country which, if committed in

this state, would constitute a predatory offense as classified in subdivision (D). If a felony from a jurisdiction other than Tennessee is not a named predatory offense as classified in subdivision (D) in this state, it shall be considered a prior conviction if the elements of the felony are the same as the elements for an offense classified as a predatory offense.

(C) "Separate period of incarceration or supervision" includes a sentence to any of the sentencing alternatives set out in § 40-35-104 (c)(3)—(9). Any offense designated as a predatory offense pursuant to subdivision (D) shall be considered as having been committed after a separate period of incarceration or supervision if the predatory offense was committed while the person was:

(i) On probation, parole or community correction supervision for a predatory offense;

(ii) Incarcerated for a predatory offense;

(iii) Assigned to a program whereby the person enjoys the privilege of supervised release into the community, including, but not limited to, work release, educational release, restitution release or medical furlough for a predatory offense; or

(iv) On escape status from any correctional institution when incarcerated for a predatory offense.

(D) For purposes of this section, predatory offenses are:

(i) Aggravated sexual battery under § 39-13-504(a)(4);

(ii) Statutory rape by an authority figure under § 39-13-532;

(iii) Sexual battery by an authority figure under § 39-13-527;

(iv) Solicitation of minor to commit sex offense under § 39-13-528;

(v) Solicitation of minor to perform sex acts under § 39-13-529; and

(vi) Aggravated statutory rape under § 39-13-506(c);

(2) "Child rapist" means a person convicted one (1) or more times of rape of a child as defined by § 39-13-522; and

(3) "Multiple rapist" means a person convicted two (2) or more times of violating the provisions of § 39-13-502 or § 39-13-503, or a person convicted at least one (1) time of violating § 39-13-502, and at least one (1) time of § 39-13-503.

(b) Notwithstanding any other provision of law to the contrary, a child sexual predator, multiple rapist or a child rapist, shall be required to serve the entire sentence imposed by the court undiminished by any sentence reduction credits such person may be eligible for or earn. A child sexual predator, multiple rapist or a child rapist shall be permitted to earn any credits for which such person is eligible and such credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(c) The provisions of title 40, chapter 35, part 5, relative to release eligibility status and parole shall not apply to or authorize the release of a child sexual predator, multiple rapist or child rapist, prior to service of the entire sentence imposed by the court.

(d) Nothing in the provisions of title 41, chapter 1, part 5, shall give either the governor or the board of probation and parole the authority to release or cause the release of a child sexual predator, multiple rapist or child rapist, prior to service of the entire sentence imposed by the court.

(e)

(1) The provisions of this section requiring child sexual predators to serve the entire sentence imposed by the court shall only apply if at least one (1) of the required offenses occurs on or after July 1, 2007.

(2) The provisions of this section requiring multiple rapists to serve the entire sentence imposed by the court shall only apply if at least one (1) of the required offenses occurs on or after July 1, 1992.

SECTION 2. Tennessee Code Annotated, Section 40-35-501, is further amended by deleting subdivision (i)(3) in its entirety and substituting instead the following:

(3) Nothing in this subsection (i) shall be construed as affecting, amending or altering the provisions of § 39-13-523, which requires child sexual predators, child rapists and multiple rapists to serve the entire sentence imposed by the court undiminished by any sentence reduction credits.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: June 12, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 26th day of June 2007



PHIL BREDESEN, GOVERNOR