STATE OF TENNESSEE

PUBLIC CHAPTER NO. 347

SENATE BILL NO. 113

By Black, Burks

Substituted for: House Bill No. 484

By Harwell, Evans, Mike Turner, Hardaway, Swafford, Dean, Moore, Lollar

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 3, relative to the offense of harassment.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-308, is amended by deleting subsection (a) and substituting instead the following:

(a) A person commits an offense who intentionally:

(1) Threatens, by telephone, in writing, or by electronic communication, including, but not limited to, text messaging, facsimile transmissions, electronic mail or Internet services, to take action known to be unlawful against any person, and by this action knowingly annoys or alarms the recipient;

(2) Places one (1) or more telephone calls anonymously, or at an hour or hours known to be inconvenient to the victim, or in an offensively repetitious manner, or without a legitimate purpose of communication, and by this action knowingly annoys or alarms the recipient;

(3) Communicates by telephone to another that a relative or other person has been injured, killed or is ill when the communication is known to be false;

(4) Communicates with another person by any method described in subdivision (a)(1), without legitimate purpose:

(A)(i) With the malicious intent to frighten, intimidate or cause emotional distress; or

(ii) In a manner the defendant knows, or reasonably should know, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibilities; and

(B) As the result of the communication, the person is frightened, intimidated or emotionally distressed.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: May 21, 2009

RON RAMSEY
SPEAKER OF THE SENATE

KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of June 2009

PHIL BREDESEN, GOVERNOR