State of Tennessee

PUBLIC CHAPTER NO. 469

SENATE BILL NO. 1160

By Massey, Ketron, Kyle, Yarbro

Substituted for: House Bill No. 754

By Moody, Weaver, Holt, Goins, Stewart, Coley, Powell, Hardaway, Clemmons

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5 and Title 40, Chapter 39, Part 2, relative to aggravated prostitution.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) A person who is mandated to comply with the requirements of this chapter, based solely upon a conviction for aggravated prostitution, under § 39-13-516, may petition the sentencing court for termination of the registration requirements based on the person's status as a victim of a human trafficking offense, as defined by § 39-13-314, a sexual offense, under title 39, chapter 13, part 5, or domestic abuse, as defined by § 36-3-601.

(b)(1) Upon receiving a petition, the court shall, at least thirty (30) days prior to a hearing on the petition, cause the office of the district attorney general responsible for prosecuting the person to be notified of the person's petition for release from the registration requirements. Upon being notified, the district attorney general shall conduct a criminal history check on the person to determine if the person has been convicted of a sexual offense or violent sexual offense during the period the person was required to comply with the requirements of this chapter. The district attorney general shall report the results of the criminal history check to the court, together with any other comments the district attorney general may have concerning the person's petition for release. The district attorney general may also appear and testify at the hearing in lieu of, or in addition to, submitting written comments.

(2) Notwithstanding subdivision (b)(1), a petition for termination of the registration requirements mandated by this chapter may be filed at any time following a verdict or finding of guilty. If the petition is filed prior to the sentencing hearing required by § 40-35-209, the court shall combine the hearing on the petition with the sentencing hearing. When the petition is filed prior to the sentencing hearing, the thirty-day notice requirement imposed pursuant to subdivision (b)(1) shall not apply; provided, however, that the district attorney general's office shall be given notice of the petition and reasonable time to comply with the requirements of subdivision (b)(1).

(c)(1) If the report of the district attorney general indicates that the petitioner has been convicted of a sexual offense or violent sexual offense while mandated to comply with the requirements of this chapter, the court shall deny the petition without conducting a hearing.

(2) If the report of the district attorney general indicates that the petitioner has not been convicted of a sexual offense or violent sexual offense while mandated to comply with the requirements of this chapter, the court shall conduct a hearing on the petition. At the hearing, the court shall call such witnesses, including, if applicable, an examining psychiatrist or licensed psychologist with health service designation or the prosecuting district attorney general, as the court deems necessary to reach an informed and just decision on whether the petitioner should be released from the

requirements of this chapter. The petitioner may offer such witnesses and other proof at the hearing as is relevant to the petition.

(3) If a petition for release from the requirements of this chapter is denied by the court, the person may not file another such petition for a period of three (3) years.

(4) If the court determines that the petitioner has been a victim of a human trafficking offense, as defined by § 39-13-314, sexual offense, under title 39, chapter 13, part 5, or domestic abuse, as defined by § 36-3-601, and that the person should not be required to comply with the requirements of this chapter, the court shall grant the petition.

(d) Upon the court's order granting the petition, the petitioner shall file a request for termination of registration requirements with the Tennessee bureau of investigation headquarters in Nashville, pursuant to § 40-39-207.

SECTION 2. Tennessee Code Annotated, Section 40-39-207(a), is amended by adding the following as a new, appropriately designated subdivision:

( ) Notwithstanding subdivision (a)(1), if a court of competent jurisdiction grants an offender's petition, filed pursuant to Section 1, for termination of the requirements imposed by this chapter based on the offender's status as a victim of a human trafficking offense, as defined by § 39-13-314, sexual offense, under title 39, chapter 13, part 5, or domestic abuse, as defined by § 36-3-601, the Tennessee bureau of investigation shall, immediately upon receiving a copy of the order, remove the offender from the SOR.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it.

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PASSED: April 22, 2015

RON RAMSEY
SPEAKER OF THE SENATE

BETH HARWELL, *SPEAKER*
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of MAY 2015

BILL HASLAM, *GOVERNOR*