

consider the following criteria:

(1) The likelihood of children being present in the library at the times and places to be restricted;

(2) The age of the victim of the offender; and

(3) The chilling effect of the use of the library by other patrons if the offender is not restricted.

(c) Nothing in this section shall prevent a total ban of the offender's access to a public library so long as the criteria in subsection (b) are considered.

(d) The restrictions of this part shall be effective upon the mailing of notice to the address of the offender as listed on the sex offender registry. The notice shall state with specificity, the time and space restrictions. The director shall state in the notice that the criteria in subsection (b) have been considered.

(e) A registered sex offender who enters upon the premises of a public library in contravention of the restrictions five (5) days after mailing of the notice may, at the discretion of the director, be prosecuted for criminal trespass pursuant to § 39-14-405.

History.

Acts 2011, ch. 287, § 1.

40-39-217. Community notification system.

(a)(1) Any county, metropolitan form of government or municipality may, by a two-thirds (2/3) vote of the legislative body, choose to establish a community notification system whereby certain residences, schools and child-care facilities within the county, metropolitan form of government or municipality are notified when a person required to register pursuant to this part as a sexual offender or violent sexual offender resides, intends to reside, or, upon registration, declares to reside within a certain distance of such residences, schools and child-care facilities.

(2) The legislative body of any county, metropolitan form of government or municipality that enacts a community notification system pursuant to this subsection (a) may, at the same time as the system is established, enact a notification fee of not more than fifty dollars (\$50.00) per year from each offender in the county, metropolitan form of government or municipality for the purpose of defraying the costs of the community notification. The notification fee shall be collected at the same time as the one-hundred-fifty-dollar administrative fee collected pursuant to § 40-39-204(b).

(b) Forms of notification a county, metropolitan form of government or municipality may elect to establish include:

(1) Notification by the sheriff's office or police department to residents, schools and child-care facilities located within a specified number of feet from the offender's residence;

(2) A community notification flyer, whether made by regular mail or hand delivered, to all legal residences within the specified area;

(3) Posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the offender;

(4) Publicizing the notice in a local newspaper, or posting electronically, including the Internet;

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(5) Notifying homeowners associations within the immediate area of the declared residence of the offender; or

(6) Any other method reasonably expected to provide notification.

(c) Nothing in this section shall be construed as prohibiting the Tennessee bureau of investigation, a sheriff, or a chief of police from providing community notification under this section electronically or by publication or periodically to persons whose legal residence is more than the applicable distance from the residence of an offender.

History.

Acts 2014, ch. 751, § 1.

Effective Dates.

Acts 2014, ch. 751, § 2. April 21, 2014. [See the Compiler's Notes.]

Compiler's Notes.

Pursuant to Article III, Section 18 of the Constitution of Tennessee, Acts 2014, ch. 751 took effect on April 21, 2014.

PART 3

TENNESSEE SERIOUS AND VIOLENT SEX OFFENDER MONITORING PILOT PROJECT ACT

40-39-301. Part definitions.

As used in this part, unless the context otherwise requires:

(1) "Serious offender" means any person who is convicted in the state of Tennessee, on or after July 1, 2004, of any offense that may cause "serious bodily injury" as defined in § 39-11-106. "Serious offender" includes any person who is convicted in any other jurisdiction of any offense that would constitute a serious offense as defined in this part. "Serious offender" also includes any person who has been released on probation or parole following a conviction for any serious offense, as defined in this part, to the extent that the person continues to be subject to active supervision by the department of correction;

(2) "Sexual offense" means any of the crimes enumerated in § 40-39-202(20), including specifically:

(A) The commission of any act that constitutes the criminal offense of:

- (i) Aggravated rape, under § 39-13-502;
- (ii) Rape, under § 39-13-503;
- (iii) Aggravated sexual battery, under § 39-13-504;
- (iv) Sexual battery, under § 39-13-505;
- (v) Statutory rape, under § 39-13-506;
- (vi) Sexual exploitation of a minor, under § 39-17-1003;
- (vii) Aggravated sexual exploitation of a minor, under § 39-17-1004;
- (viii) Especially aggravated sexual exploitation of a minor, under § 39-17-1005;
- (ix) Incest, under § 39-15-302;
- (x) Rape of a child, under § 39-13-522;
- (xi) Sexual battery by an authority figure, under § 39-13-527;
- (xii) Solicitation of a minor, under § 39-13-528;

(B) Criminal attempt, under § 39-12-101, solicitation, under § 39-12-