

HOUSE BILL 1911

By Bulso

AN ACT to amend Tennessee Code Annotated, Section 39-13-605 and Title 40, Chapter 39, Part 2, relative to unlawful photography.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-605(a), is amended by deleting "to knowingly photograph" and substituting "knowingly to photograph".

SECTION 2. Tennessee Code Annotated, Section 39-13-605(c), is amended by deleting "destroyed" and substituting "disposed of in accordance with § 18-1-206".

SECTION 3. Tennessee Code Annotated, Section 39-13-605(d)(1)(A), is amended by deleting "Class A misdemeanor" and substituting "Class E felony".

SECTION 4. Tennessee Code Annotated, Section 39-13-605(d)(2), is amended by deleting "Class E felony" and substituting "Class D felony".

SECTION 5. Tennessee Code Annotated, Section 39-13-605(d)(2), is amended by adding the following as a new subdivision:

(C) A minor under thirteen (13) years of age was used by the defendant to facilitate a violation of subdivision (a)(1).

SECTION 6. Tennessee Code Annotated, Section 39-13-605(d)(3), is amended by deleting "Class D felony" and substituting "Class C felony".

SECTION 7. Tennessee Code Annotated, Section 39-13-605, is amended by deleting subdivision (d)(3)(B) and substituting:

(B)

(i) The victim of the offense is under thirteen (13) years of age at the time of the offense; or

(ii) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the unlawful photography.

SECTION 8. Tennessee Code Annotated, Section 39-13-605, is amended by deleting subsection (f) and substituting:

In addition to the punishment provided for a person who commits unlawful photography pursuant to subdivision (a)(1), the trial judge shall order that the person be required to register as a sexual offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, compiled in title 40, chapter 39, part 2.

SECTION 9. Tennessee Code Annotated, Section 40-39-202(20), is amended by adding the following as a new subdivision:

(C) The commission of an act that, on or after July 1, 2024, constitutes the criminal offense of unlawful photography, under § 39-13-605(a)(1).

SECTION 10. This act takes effect July 1, 2024, the public welfare requiring it, and applies to acts committed on or after that date.