

SENATE BILL 113

By Black

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 who is, or purports to be, less than eighteen (18) years of age and, without legitimate purpose, recklessly frightens, intimidates or causes emotional distress to such other person, or

(5) Without legitimate purpose, engages in any other act:

(A) That causes another person to be frightened, intimidated, or emotionally distressed, provided the person's response to the act is one of a person of average sensibilities considering the age of the person; or

(B) For the purpose of frightening, intimidating, or causing emotional distress to another.

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