

SENATE BILL 511

By Woodson

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 39, Part 2, relative to sexual offenders.

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

SECTION 1. Tennessee Code Annotated, Section 40-39-211, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) No sexual offender, as defined in § 40-39-202, or violent sexual offender, as defined in § 40-39-202, shall:

(A) Knowingly be upon or remain on the premises of any building or grounds of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when the offender has reason to believe children under eighteen (18) years of age are present;

(B) Loiter, stand, sit idly, whether or not the offender is in a vehicle, or remain within one thousand feet (1,000') of the property line of, or any building owned or operated by, any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public in this state when children under eighteen (18) years of age are present, while not having a reason or relationship involving custody of or responsibility for a child or any other specific or legitimate reason for being there; or

(C) Knowingly be in any conveyance owned, leased or contracted by a school, licensed day care center, other child care facility, or recreation center to transport students to or from school, day care, child care, or a recreation center or any related activity thereof when children under eighteen (18) years of age are present in the conveyance.

(2) As used in subdivision (d)(1)(B), "loiter" means to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting a child under eighteen (18) years of age.

(3) Subdivision (d)(1) shall not apply when the offender:

(A) Is a student in attendance at the school;

(B) Is attending a conference or other scheduled event or activity with school, day care, child care, park, playground, or recreation center officials as a parent or legal guardian of a child who is enrolled in the school, day care center, other child care center, park, playground or recreation center activity and is participating in the conference, event or activity;

(C) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(D) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian.

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