

SENATE BILL 1601

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 71, relative to elderly and
vulnerable adults.

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

SECTION 1. This act shall be known and may be cited as the "Safe Seniors Act of 2020."

SECTION 2. Tennessee Code Annotated, Section 39-13-202(a), is amended by deleting subdivision (2) and substituting instead:

(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated abuse of an elderly or vulnerable adult in violation of § 39-15-511, aggravated neglect of an elderly or vulnerable adult in violation of § 39-15-508, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child, or aircraft piracy; or

SECTION 3. Tennessee Code Annotated, Section 39-15-501(13), is amended by deleting the word "fondling" and substituting instead the language "sexual contact, as defined in § 39-13-501".

SECTION 4. Tennessee Code Annotated, Section 40-11-150(k), is amended by deleting subdivision (1) and substituting instead:

(1) Any offender arrested for a violation of § 39-15-510 or § 39-15-511, involving abuse or aggravated abuse of an elderly or vulnerable adult, or for a violation of § 39-15-507 or § 39-15-508, involving neglect or aggravated neglect of an elderly or vulnerable adult, shall not be released within twelve (12) hours of the time of arrest. The magistrate

or other official duly authorized to release the offender may, however, release the offender in less than twelve (12) hours if the official finds that the offender is not a threat to the alleged victim.

SECTION 5. Tennessee Code Annotated, Section 39-15-504, is amended by deleting the section in its entirety and substituting instead:

In a case where an alleged offense under this part has been committed against an elderly or vulnerable adult, upon the state's motion, the court shall conduct a hearing to preserve the testimony of the victim within sixty (60) days of filing the motion, whether the case originates in general sessions court or criminal court.

SECTION 6. Tennessee Code Annotated, Section 40-35-115(b), is amended by adding the following language as a new subdivision (8):

(8) The defendant is convicted of two (2) or more statutory offenses involving sexual exploitation of an elderly or vulnerable adult with consideration of the aggravating circumstances arising from the relationship between the defendant and victim, the nature and scope of the sexual acts, and the extent of the physical and mental damage to the victim;

SECTION 7. Tennessee Code Annotated, Section 39-15-506(a), is amended by deleting subsection (1) and substituting instead the following:

(1) Following a conviction for a violation of § 39-15-502, § 39-15-507(b) or (c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or an attempt to commit any of those offenses, or at the discretion of the court for a conviction of § 39-15-507(d), the clerk of the court shall notify the department of health of the conviction by sending a copy of the judgment in the manner set forth in § 68-11-1003 for inclusion on the registry pursuant to title 68, chapter 11, part 10.

SECTION 8. Tennessee Code Annotated, Section 39-13-502(a)(3), is amended by deleting subdivision (B) and substituting instead:

(B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, physically helpless, or a vulnerable adult as defined in § 39-15-501.

SECTION 9. Tennessee Code Annotated, Section 39-13-503(a), is amended by deleting subdivision (3) and substituting instead the following:

(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated, physically helpless, or a vulnerable adult as defined in § 39-15-501; or

SECTION 10. Tennessee Code Annotated, Section 39-15-501, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Physical harm" means any action that causes physical pain, injury, or diminished health, regardless of gravity or duration;

SECTION 11. For the purpose of promulgating rules, policies, and procedures for the implementation of this act, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.