

SENATE BILL 2444

By Ford

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, relative to criminal harassment.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 3, is amended by adding the following as a new section:

39-17-313.

(a) As used in this section, unless the context otherwise requires:

(1) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;

(2) "Employment" means the job, vocation, occupation, or profession of a parent or legal guardian of a minor;

(3) "Harassment":

(A) Means conduct directed toward a minor that seriously alarms, annoys, frightens, torments, or terrorizes the minor, including conduct occurring in the course of any actual or attempted recording of the minor's image or voice, or both, without the written consent of the minor's parent or legal guardian, by following the minor's activities or by lying in wait. The conduct must be such as would cause a reasonable minor to suffer emotional distress, and that actually causes the victim to suffer emotional distress; and

(B) Does not include constitutionally protected activity or conduct that serves a legitimate purpose;

(4) "Minor" means any person under eighteen (18) years of age; and

(5) "Victim" means a minor who is the target of an intentional course of conduct involving harassment.

(b)

(1) A person commits an offense who intentionally engages in harassment of a minor because of the employment of the parent or legal guardian of the minor.

(2) Notwithstanding § 40-35-111, harassment of a minor is punishable as follows:

(A) A first offense is a Class A misdemeanor punishable by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000), or by confinement for not more than eleven (11) months and twenty-nine (29) days, or both;

(B) A second offense is a Class A misdemeanor punishable by a fine of not less than five thousand dollars (\$5,000) nor more than twenty thousand dollars (\$20,000), and by confinement of not less than five (5) days nor more than eleven (11) months and twenty-nine (29) days, or both; and

(C) A third or subsequent offense is a Class A misdemeanor punishable by a fine of not less than ten thousand dollars (\$10,000) nor more than thirty thousand dollars (\$30,000), and by confinement of not less than thirty (30) days nor more than eleven (11) months and twenty-nine (29) days, or both.

(c) Upon a violation of this section, the parent or legal guardian of the victim may bring a civil action against the violator on behalf of the victim for actual damages, all compensation received in connection with the sale, license, or dissemination of a

recording of the victim's image or voice, punitive damages, reasonable attorney's fees, and court costs.

(d) The act of transmitting, publishing, or broadcasting a recording of the image or voice of a minor does not constitute an offense under this section.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.