

SENATE BILL 2591

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to certain sexual offenders.

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Chemical castration treatment" means receiving medication, including, but not limited to, medroxyprogesterone acetate treatment or the chemical equivalent, that, among other things, reduces, inhibits, or blocks the production of testosterone, hormones, or other chemicals in a person's body; and

(2) "Sexual offense involving a person under thirteen (13) years of age" means a sexual offense, as described in § 40-39-202, that is committed against a person who is less than thirteen (13) years of age.

(b) If a person convicted of a sexual offense involving a person under thirteen (13) years of age will become eligible for parole for the offense, the sentencing court shall order the person to undergo chemical castration treatment, in addition to any other punishment prescribed for the offense, as a condition of parole. The person may elect to stop receiving the treatment at any time and shall not be forced to receive the treatment; however, such refusal constitutes a violation of the person's parole and the person shall be immediately remanded to the custody of the department of correction for the remainder of the person's sentence.

(c) A person required to undergo chemical castration treatment shall begin the treatment not less than one (1) month prior to being released from custody of the

department of correction and shall continue receiving treatment until the sentencing court determines the treatment is no longer necessary. The department of health shall administer the treatment.

(d)

(1) The person shall pay for all of the costs associated with the chemical castration treatment. The cost of the treatment is in addition to any fine, court costs, restitution, or costs of supervision. A person may not be denied parole based solely on the person's inability to pay for the costs associated with the treatment required by this section.

(2) If a person required by this section to receive chemical castration treatment, upon application, claims indigency, the person must be brought before a court of competent jurisdiction for a determination of indigency. In the event that a court determines the person to be indigent, the court shall not waive any fees or costs unless the person proves to the reasonable satisfaction of the court that the person is not capable of paying the fees or costs within the reasonably foreseeable future. In the event the person is determined to be indigent, the court may conduct a periodic review of the person's indigent status, upon motion of the district attorney general, to determine if the person is no longer indigent.

(e) In addition to any condition of parole imposed under subsection (b), as a condition of parole, a person released on parole subject to the requirements of this section shall authorize the department of health to share with the board of parole all medical records relating to the person's chemical castration treatment.

(f) Prior to the administration of any chemical castration treatment, a medical professional shall inform the person of the effect of the treatment and any side effects that may result from the treatment. The person must sign a written acknowledgment of receipt of the information.

(g) Only a bona fide employee of the department of health may administer the treatment.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to offenses committed on or after that date.