

HOUSE BILL 1666

By Lamberth

AN ACT to amend Tennessee Code Annotated, Section  
39-17-308, 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 (e) and substituting instead the following:

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

(1) "Communicates", "communication", or "communicated" means a person contacts, transmits, or conveys a written or verbal thought or message to another person by any of the following methods:

(A) In person;

(B) By telephone;

(C) By facsimile transmission;

(D) In any writing or in print publications;

(E) By any electronic means, including, but not limited to,  
electronic mail or text messages;

(F) By display on or by means of any computer system; or

(G) By posts to social media or to a social network;

(2) "Communication service provider" means any entity that provides telecommunication services or electronic communications comprised of any transfer of signs, signals, writing, images, sounds, data, intelligence, photographs, video, or other forms of electronic communication of any nature, transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical, or Internet or web-based system, including, but not limited to,

electronic mail, text messages, facsimile transmissions, or posts to a social network or to social media;

(3) "Image" includes, but is not limited to, a visual depiction, video clip, photograph, painting, or drawing of another person;

(4) "Log files" means computer-generated lists that contain various types of information regarding the activities of a computer, including, but not limited to, time of access to certain records, processes running on a computer, or the usage of certain computer resources;

(5) "Property" means the personal possessions, real property, or financial resources of a particular person;

(6) "Social media" means forms of electronic communication, including, but not limited to, web sites used for social networking through which users create online communities to share information, ideas, personal messages, and other content including, but not limited to, photographs and videos;

(7) "Social network" means any online community of people who share interests and activities, or who are interested in exploring the interests and activities of others, and which provides ways for users to interact by means of social media; and

(8) "Threat", "threatens" or "to threaten" is a communication by a person to another person with the intent to:

(A) Commit an act of violence against such person;

(B) Commit an act of destruction or vandalism against the property of such person; or

(C) Unlawfully, and without the process of law, obtain control of the property of such person.

SECTION 2. Tennessee Code Annotated, Section 39-17-308, is amended by deleting subsection (a) and substituting instead the following:

(a) It is an offense for a person to intentionally:

- (1) Threaten a specific person by any means of communication with knowledge that the threat will annoy or alarm the recipient;
- (2) Communicate with a person in any of the following ways knowing that the communication will annoy or alarm the person:
  - (A) Anonymously;
  - (B) At an hour or hours known to be inconvenient to the person;
  - (C) In an offensively repetitious manner; or
  - (D) Without a legitimate purpose of communication;
- (3) Communicate with a person that a relative or other person has been injured, or killed or is ill, knowing the communication is false;
- (4) Communicate with a person or transmit or display an image without legitimate purpose with the intent that the communication:
  - (A) Be a threat of harm to the person; and
  - (B) Would be perceived by a reasonable person to be a threat of harm; or
- (5) Threaten to disseminate an image of a person for no legitimate purpose and without that person's consent for the purpose of:
  - (A) Alarming, annoying, or embarrassing the person;
  - (B) Retaliating against the person for any reason; or
  - (C) Obtaining from the person monetary payment or any other personal gain or advantage.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.