

## Tennessee

### Tenn. Code Ann.

#### Tenn. Code Ann. § 39-17-901. Part definitions.

- The following definitions apply in this part, unless the context requires otherwise:
  - (1) "Actual or constructive knowledge" means that a person is deemed to have constructive knowledge of the contents of material who has knowledge of facts that would put a reasonable and prudent person on notice as to the suspect nature of the material;
  - (2) "Community" means the judicial district, as defined in § 16-2-506, in which a violation is alleged to have occurred;
  - (3) "Distribute" means to transfer possession of, whether with or without consideration;
  - (4) "Excess violence" means the depiction of acts of violence in such a graphic or bloody manner as to exceed common limits of custom and candor, or in such a manner that it is apparent that the predominant appeal of the material is portrayal of violence for violence's sake;
  - (5) "Final judgment" or "conviction" means all direct appeals have been exhausted including an application for appeal or for certiorari to the Tennessee or United States supreme court;
  - (6) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual excitement, sexual conduct, excess violence or sadomasochistic abuse when the matter or performance:
    - (A) Would be found by the average person applying contemporary community standards to appeal predominantly to the prurient, shameful or morbid interests of minors;
    - (B) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
    - (C) Taken as whole lacks serious literary, artistic, political or scientific values for minors;
  - (7) "Matter" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture film, videocassette or other pictorial representation, or any statue, figure, device, theatrical production or electrical reproduction, or any other article, equipment, machine or material that is obscene as defined by §§ 39-17-901 -- 39-17-917;
  - (8) "Minor" means any person who has not reached eighteen (18) years of age and is not emancipated;
  - (9) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;
  - (10) "Obscene" means:
    - (A) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
    - (B) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive

way, sexual conduct; and

(C) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value;

(11) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters;

(12) "Prurient interest" means a shameful or morbid interest in sex;

(13) "Sodomasochistic abuse" means flagellation or torture or physical restraint by or upon a person for the purpose of sexual gratification of either person;

(14) "Sexual conduct" means:

(A) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity that gives the appearance of ultimate sexual acts, anal, oral or genital. "Ultimate sexual acts" means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or

(B) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals; and

(15) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

**39-17-902. Producing, importing, preparing, distributing, processing or appearing in obscene material or exhibition -- Distribution to or employment of minors.**

- (a) It is unlawful to knowingly produce, send or cause to be sent, or bring or cause to be brought, into this state for sale, distribution, exhibition or display, or in this state to prepare for distribution, publish, print, exhibit, distribute, or offer to distribute, or to possess with intent to distribute or to exhibit or offer to distribute any obscene matter, or to do any of the aforementioned with any matter found legally obscene that violates the requirements of 18 U.S.C. § 2257. It is unlawful to direct, present or produce any obscene theatrical production, peep show or live performance, and every person who participates in that part of the production which renders the production or performance obscene is guilty of the offense.
- (b) It is unlawful for any person to hire, employ or use a minor to do or assist in doing any of the acts described in subsection (a) with knowledge that the person is a minor under eighteen (18) years of age, or while in possession of the facts that the person should reasonably know that the person is a minor under eighteen (18) years of age. However, this section shall not apply to those acts that are prohibited by §§ 39-17-1003 -- 39-17-1005.
- (c)
  - (1) A violation of subsection (a) is a Class A misdemeanor, and, in addition, any corporation or business entity that violates the provisions of this section shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than fifty thousand dollars (\$50,000).
  - (2) A second or subsequent violation of subsection (a) is a Class E felony; provided, that the second or subsequent violation occurs after a conviction has been obtained for the previous violation; provided further, that the range of fines authorized for a first violation by a corporation or business entity shall also be applicable for second or subsequent violations by the corporation or entity.
- (d) A violation of subsection (b) is a Class E felony, and, in addition, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

- **(e)** It is an exception to this section that the obscene material is possessed by a person having scientific, educational, governmental or other similar justification.

### **39-17-903. Seizure of obscene materials -- Warrant -- Disposition of seized materials.**

- **(a)** Upon a showing of probable cause that the obscenity laws of this state are being violated, any judge or magistrate shall be empowered to issue a search warrant in accordance with the general law pertaining to searches and seizures in this state. The warrant shall authorize or designate a law enforcement officer to enter upon the premises where alleged violations of the obscenity laws are being carried on and take into custody one (1) example of each piece of matter which is obscene. Return on the search shall be in the manner prescribed generally for searches and seizures in the state of Tennessee, except that matter that is seized shall be retained by the district attorney general to be used as evidence in any legal proceeding in which the matter is in issue or involved.
- **(b)** When a search and seizure takes place in accordance with this section, any person aggrieved by the search and seizure, or claiming ownership of the matter seized, may file a motion in writing with the court of record in the jurisdiction in which the search and seizure took place, contesting the legality of the search and seizure or the fact of the obscenity of the matter seized. The court shall set a hearing within one (1) day after the request therefor, or at such time as the requesting party might agree. In the event the court finds that the search and seizure was illegal or if the court or any other court of competent jurisdiction shall determine that the matter is not obscene, the matter shall be forthwith returned to the person and to the place from which it was taken.

### **39-17-904. Destruction of material upon conviction.**

Upon the conviction of the accused, the court may, when the conviction becomes final, order any matter of advertisement, in respect whereof the accused stands convicted, and that remains in the possession or under the control of the district attorney general or any law enforcement agency to be destroyed, and the court may cause to be destroyed any such material in its possession or under its control.

### **39-17-905. Temporary restraining orders and injunctions -- Trial -- Judgment -- Review.**

- **(a)** The circuit, chancery, or criminal courts of this state and the chancellors and judges of those courts shall have full power, authority, and jurisdiction, upon application by sworn detailed petition filed by the district attorney general within their respective jurisdictions, to issue any and all proper temporary restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of §§ 39-17-901 -- 39-17-908. However, this section shall not be construed to authorize the issue of ex parte temporary injunctions preventing further regularly scheduled exhibition of motion picture films by commercial theaters, such injunction to issue only upon at least one (1) day's notice, but the court may immediately forbid the removing, destroying, deleting, splicing, amending or otherwise altering the matter alleged to be obscene.

- **(b)** The person to be enjoined shall be entitled to trial of the issues within two (2) days after joinder of issue, and a decision shall be rendered by the court within two (2) days of the conclusion of the trial. In order to facilitate the introduction of evidence at any hearing as provided in this section, the court is empowered to order defendants named in any proceeding set out in this section to produce one (1) copy of the matter alleged to be obscene, along with necessary viewing equipment, in open court at the time of the hearing or at any other time agreed upon by the parties and the court. In proceedings under this section, there shall be no right to trial by jury. If the defendant in any suit for injunction filed under the terms of this section shall fail to answer or otherwise join issue within twenty (20) days after the filing of a petition for injunction, the court, on motion of the district attorney general, shall enter a general denial for the defendant, and set a date for hearing on the questions raised in the petition for injunction within ten (10) days following the entry of the denial entered by the court, and the court shall render its decision within two (2) days after the conclusion of that hearing.
- **(c)** In the event that a final order or judgment of injunction is entered against the person sought to be enjoined, the final order or judgment shall contain a provision directing the person to surrender to the clerk of the court of the county in which the proceedings were brought any of the obscene matter in the person's possession, and the clerk shall be directed to hold the matter in the clerk's possession to be used as evidence in any criminal proceedings in which the matter is in issue, but if no indictment is returned concerning the matter within six (6) months of the entry of final order, the clerk shall destroy the matter.
- **(d)** Any party, including the district attorney general, shall be entitled to an appeal from an adverse decision of the court. The granting of an appeal shall have the effect of staying or suspending any order to destroy but not an order to seize the matter, nor shall the granting of an appeal suspend any permanent injunction granted by the trial court.

### **39-17-906. Remedies supplementary.**

- **(a)** The remedies and procedures set out in §§ 39-17-901 -- 39-17-908 are supplementary to each other and no remedy shall be construed as excluding or prohibiting the use of any other remedy.
- **(b)** Except as expressly provided in this part, the provisions of §§ 39-17-901 -- 39-17-908 shall not be construed as repealing any provisions of any other statute, but shall be supplementary thereto and cumulative thereto.

### **39-17-907. Restrictions on showings.**

- **(a)** It is unlawful for any person to exhibit for public consumption, whether or not the exhibition is for compensation, any motion picture, film, movie, or videotape that depicts sexual conduct as defined in § 39-17-901, unless the exhibition is within a theater auditorium or other enclosed area that effectively removes the exhibition from the view of members of the public who are not voluntarily engaged in viewing the motion picture, film, movie, or videotape.
- **(b)** Each theater at which two (2) or more motion pictures are shown in the same building shall maintain adequate supervision of the customers to prevent minors from purchasing a ticket or admission pass to a motion picture designated by the rating board of the Motion Picture Association of America by the letter "G" for general audiences or "PG" for all ages, parental guidance advised, and then viewing a motion

picture designated "R" for restricted audiences, persons under eighteen (18) years of age not admitted unless accompanied by parent or adult guardian, or "X," persons under eighteen (18) years of age not admitted.

- **(c)** A violation of this section is a Class A misdemeanor.

### **39-17-908. Enforcement -- Initiation of criminal actions -- Civil proceedings.**

- **(a)** Criminal action shall commence only on criminal indictment or the issuance of a warrant by a judge of any court of record; provided, that the commencement of any criminal action shall be made only with the prior knowledge and written approval of the district attorney general or any assistant district attorney general.
- **(b)** The provisions of §§ 39-17-901 -- 39-17-908 may be enforced by either criminal actions or by actions for injunctive relief, or both, and the actions may be commenced simultaneously and proceed independently of each other.

### **39-17-911. Sale, loan or exhibition of material to minors.**

- **(a)** It is unlawful for any person to knowingly sell or loan for monetary consideration or otherwise exhibit or make available to a minor:
  - (1)** Any picture, photograph, drawing, sculpture, motion picture film, video game, computer software game, or similar visual representation or image of a person or portion of the human body, that depicts nudity, sexual conduct, excess violence, or sado-masochistic abuse, and that is harmful to minors; or
  - (2)** Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording, which contains any matter enumerated in subdivision (a)(1), or that contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse, and that is harmful to minors.
- **(b)** It is unlawful for any person to knowingly exhibit to a minor for monetary consideration, or to knowingly sell to a minor an admission ticket or pass or otherwise admit a minor to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct, excess violence, or sado-masochistic abuse, and which is harmful to minors.
- **(c)** A violation of this section is a Class A misdemeanor.
- **(d)** It is an affirmative defense to prosecution under this section that the minor to whom the material or show was made available or exhibited was, at the time, accompanied by the person's parent or legal guardian, or by an adult with the written permission of the parent or legal guardian.

### **39-17-914. Display for sale or rental of material harmful to minors.**

- **(a)** It is unlawful for a person to display for sale or rental a visual depiction, including a videocassette tape or film, video game, computer software game, or a written representation, including a book, magazine or pamphlet, that contains material harmful to minors anywhere minors are lawfully admitted.
- **(b)** The state has the burden of proving that the material is displayed. Material is not considered displayed under this section if:
  - (1)** The material is:
    - (A)** Placed in "binder racks" that cover the lower two thirds (2/3) of the material and the viewable one third (1/3) is not harmful to minors;

- (B) Located at a height of not less than five and one half feet (51/2') from the floor; and
    - (C) Reasonable steps are taken to prevent minors from perusing the material;
  - (2) The material is sealed, and, if it contains material on its cover that is harmful to minors, it must also be opaquely wrapped;
  - (3) The material is placed out of sight underneath the counter; or
  - (4) The material is located so that the material is not open to view by minors and is located in an area restricted to adults;
  - (5) Unless its cover contains material which is harmful to minors, a video cassette tape or film is not considered displayed if it is in a form that cannot be viewed without electrical or mechanical equipment and the equipment is not being used to produce a visual depiction; or
  - (6) In a situation if the minor is accompanied by the minor's parent or guardian, unless the area is restricted to adults as provided for in subdivision (b)(4).
- (c) A violation of this section is a Class C misdemeanor for each day the person is in violation of this section.

**66-7-105. Adult bookstores and movie houses -- Leases unenforceable.**

Hereby declared against public policy and unenforceable are all leases or rental contracts, whether or not in writing, on real estate or buildings which are used for the purpose of sale, display, distribution or exhibition of obscene live performances or obscene material of any other kind including, but not limited to, the business of operating a store or house for the sale, or the commercial display, distribution or exhibition of an obscene book or magazine or other printed matter, motion pictures or peep shows. Occupants claiming the right to possess, use or occupy any building or real estate because of such an unenforceable lease or rental contract shall be immediately subject to eviction for unlawful detainer thereof in a suit by the owner of the building or real estate or by the state or by the county or by the incorporated municipality in which the building or real estate is located. Any person, firm, partnership or corporation that knowingly leases or rents any real estate or building to any person, firm, partnership or corporation for such purpose shall not have standing to use the courts or legal processes to enforce such lease or rental contract or to collect rentals or any other consideration because of such an unenforceable lease or rental contract.

**39-17-1001. Short title.**

This part shall be known and may be cited as the "Tennessee Protection of Children Against Sexual Exploitation Act of 1990."

**39-17-1002. Part definitions.**

- The following definitions apply in §§ 39-17-1002 -- 39-17-1007, unless the context otherwise requires:
  - (1) "Community" means the judicial district, as defined by § 16-2-506, in which a violation is alleged to have occurred;
  - (2) "Material" means:

- (A) Any picture, drawing, photograph, undeveloped film or film negative, motion picture film, videocassette tape or other pictorial representation;
  - (B) Any statue, figure, theatrical production or electrical reproduction;
  - (C) Any image stored on a computer hard drive, a computer disk of any type, or any other medium designed to store information for later retrieval; or
  - (D) Any image transmitted to a computer or other electronic media or video screen, by telephone line, cable, satellite transmission, or other method that is capable of further transmission, manipulation, storage or accessing, even if not stored or saved at the time of transmission;
- (3) "Minor" means any person who has not reached eighteen (18) years of age;
- (4) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters;
- (5) "Performance" means any play, motion picture, photograph, dance, or other visual representation that can be exhibited before an audience of one (1) or more persons;
- (6) "Promote" means to finance, produce, direct, manufacture, issue, publish, exhibit or advertise, or to offer or agree to do those things;
- (7) "Prurient interest" means a shameful or morbid interest in sex; and
- (8) "Sexual activity" means any of the following acts:
  - (A) Vaginal, anal or oral intercourse, whether done with another person or an animal;
  - (B) Masturbation, whether done alone or with another human or an animal;
  - (C) Patently offensive, as determined by contemporary community standards, physical contact with or touching of a person's clothed or unclothed genitals, pubic area, buttocks or breasts in an act of apparent sexual stimulation or sexual abuse;
  - (D) Sadomasochistic abuse, including flagellation, torture, physical restraint, domination or subordination by or upon a person for the purpose of sexual gratification of any person;
  - (E) The insertion of any part of a person's body or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure by a licensed professional;
  - (F) Patently offensive, as determined by contemporary community standards, conduct, representations, depictions or descriptions of excretory functions; or
  - (G) Lascivious exhibition of the female breast or the genitals, buttocks, anus or pubic or rectal area of any person.

**39-17-1003. Offense of sexual exploitation of a minor.**

- (a) It is unlawful for any person to knowingly possess material that includes a minor engaged in:
  - (1) Sexual activity; or
  - (2) Simulated sexual activity that is patently offensive.
- (b) A person possessing material that violates subsection (a) may be charged in a separate count for each individual image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation. Where the number of materials possessed is greater than fifty (50), the person may be charged in a single count to enhance the class of offense under subsection (d).

- **(c)** In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly possessed the material, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.
- **(d)** A violation of this section is a Class D felony; however, if the number of individual images, materials, or combination of images and materials, that are possessed is more than fifty (50), then the offense shall be a Class C felony. If the number of individual images, materials, or combination of images and materials, exceeds one hundred (100), the offense shall be a Class B felony.
- **(e)** In a prosecution under this section, the state is not required to prove the actual identity or age of the minor.

**39-17-1004. Offense of aggravated sexual exploitation of a minor.**

- **(a) (1)** It is unlawful for a person to knowingly promote, sell, distribute, transport, purchase or exchange material, or possess with the intent to promote, sell, distribute, transport, purchase or exchange material, that includes a minor engaged in:
  - (A)** Sexual activity; or
  - (B)** Simulated sexual activity that is patently offensive.
    - (2)** A person who violates subdivision (a)(1) may be charged in a separate count for each individual image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation. Where the number of materials involved in a violation under subdivision (a)(1) is greater than twenty-five (25), the person may be charged in a single count to enhance the class of offense under subdivision (a)(4).
    - (3)** In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly promoted, sold, distributed, transported, purchased, exchanged or possessed the material for these purposes, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.
    - (4)** A violation of this section is a Class C felony; however, if the number of individual images, materials, or combination of images and materials that are promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange, is more than twenty-five (25), then the offense shall be a Class B felony.
- **(b) (1)** It is unlawful for a person to knowingly promote, sell, distribute, transport, purchase or exchange material that is obscene, as defined in § 39-17-901, or possess material that is obscene, with the intent to promote, sell, distribute, transport, purchase or exchange the material, which includes a minor engaged in:
  - (A)** Sexual activity; or
  - (B)** Simulated sexual activity that is patently offensive.
    - (2)** A person who violates subdivision (b)(1) may be charged in a separate count for each individual image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation. Where the number of materials involved in a violation under subdivision (b)(1) is greater than twenty-five (25), the person may be charged in a single count to enhance the class of offense under subdivision (b)(4).

**(3)** In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly promoted, sold, distributed, transported, purchased, exchanged or possessed the material for these purposes, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.

**(4)** A violation of this section is a Class C felony; however, if the number of individual images, materials, or combination of images and materials, that are promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange, is more than twenty-five (25), then the offense shall be a Class B felony.

- **(c)** In a prosecution under this section, the state is not required to prove the actual identity or age of the minor.
- **(d)** A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the person promoted, sold, distributed, transported, purchased, exchanged or possessed, with intent to promote, sell, distribute, transport, purchase or exchange material within this state.

**39-17-1005. Offense of especially aggravated sexual exploitation of a minor.**

- **(a)** It is unlawful for a person to knowingly promote, employ, use, assist, transport or permit a minor to participate in the performance of, or in the production of, acts or material that includes the minor engaging in:
  - (1)** Sexual activity; or
  - (2)** Simulated sexual activity that is patently offensive.
- **(b)** A person violating subsection (a) may be charged in a separate count for each individual performance, image, picture, drawing, photograph, motion picture film, videocassette tape, or other pictorial representation.
- **(c)** In a prosecution under this section, the trier of fact may consider the title, text, visual representation, Internet history, physical development of the person depicted, expert medical testimony, expert computer forensic testimony, and any other relevant evidence, in determining whether a person knowingly promoted, employed, used, assisted, transported or permitted a minor to participate in the performance of or in the production of acts or material for these purposes, or in determining whether the material or image otherwise represents or depicts that a participant is a minor.
- **(d)** A violation of this section is a Class B felony. Nothing in this section shall be construed as limiting prosecution for any other sexual offense under this chapter, nor shall a joint conviction under this section and any other related sexual offense, even if arising out of the same conduct, be construed as limiting any applicable punishment, including consecutive sentencing under § 40-35-115, or the enhancement of sentence under § 40-35-114.
- **(e)** In a prosecution under this section, the state is not required to prove the actual identity or age of the minor.
- **(f)** A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the person promoted, employed, assisted, transported or permitted a minor to engage in the performance of, or production of, acts or material within this state.

### **39-17-1006. Injunctions.**

If the district attorney general is of the opinion that §§ 39-17-1001--39-17-1005 are being violated, the district attorney general may file a petition in a circuit, chancery or criminal court of that district relating the opinion, and request the court to issue a temporary restraining order or a temporary injunction enjoining the person named in the petition from removing the material in question from the jurisdiction of the court pending an adversary hearing on the petition. If a temporary restraining order or, after notice, a temporary injunction is so issued, the person enjoined shall answer within the time set by the court, which time shall be set by the court at not more than sixty (60) days. The adversary hearing on the petition shall be held within two (2) days after the joinder of issues. At the conclusion of the hearing, or within two (2) days thereafter, the court will determine whether or not the material in question is in violation of §§ 39-17-1001 -- 39-17-1005. On a finding of a violation, the court shall grant a temporary injunction or continue its injunction in full force and effect for a period not to exceed forty-five (45) days or until an indictment on the matter has been submitted to the grand jury. If forty-five (45) days elapse and the grand jury has taken no action, the injunction terminates. The injunction also terminates on the grand jury returning a no true bill. On the return of a true bill of indictment, the court shall order the material in question delivered into the hands of the court clerk or district attorney general, there to be held as evidence in the case.

### **39-17-1007. Issuance of process.**

No process except as otherwise provided shall be issued for the violation of §§ 39-17-1003 --39-17-1005 unless it is issued upon the application of the district attorney general of the district.

### **39-17-1008. Forfeiture of any conveyance or real or personal property used in commission of an offense under this part.**

- **(a)** Any conveyance or real or personal property used in the commission of an offense under this part is subject to forfeiture under the provisions of title 40, chapter 33, part 2.
- **(b)** Notwithstanding the provisions of § 40-33-211, the proceeds from all forfeitures made pursuant to this section shall be transmitted to the general fund, where there is established a general fund reserve to be allocated through the general appropriations act, which shall be known as the child abuse fund. Moneys from the fund shall be expended to fund activities authorized by the child abuse fund as set out in § 39-13-530. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund at the end of the fiscal year. Any excess revenues or interest earned by the revenues shall not revert at the end of the fiscal year, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from the reserve shall not revert to the general fund at the end of the fiscal year, but shall remain available for expenditure in subsequent fiscal years.

Enacted, May 21, 2012

**Reporter:** 2012 Tenn. ALS 79; | 2012 Tenn. Priv. Acts 79; | 2012 Tenn. Priv. Ch. 79; | 2011 Tenn. SB 3815

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

Section 5. Corporate powers enumerated.

(a) The City shall have full power by ordinance within or without the corporate limits, as permitted by law, as follows:

(31) Immoral conduct, **obscene** pictures. To suppress and prohibit, immoral or illicit conduct, and **obscene** pictures, literature, materials or objects, as permitted by law.

**55-8-187. Obscene or patently offensive bumper stickers, window signs, etc., prohibited.**

To avoid distracting other drivers and thereby reduce the likelihood of accidents arising from lack of attention or concentration, the display of obscene and patently offensive movies, bumper stickers, window signs or other markings on or in a motor vehicle that are visible to other drivers is prohibited and display of such materials shall subject the owner of the vehicle on which they are displayed, upon conviction, to a fine of fifty dollars (\$50.00). "Obscene" or "patently offensive" has the meaning specified in § 39-17-901.

---

FILTERING LAWS:

**49-1-221. Policy on use of Internet -- Filing of policy -- Contents.**

- **(a) (1)** Every two (2) years, each director of **schools** shall file with the commissioner of education an acceptable use **policy**, approved by the local **school** board, for the international network of computer systems commonly known as the **Internet**. At a minimum, the **policy** shall contain provisions that:
  - (A)** Are designed to prohibit certain inappropriate use by **school** district employees and students of the **school** district's computers via the **Internet**;
  - (B)** Seek to prevent access by students to material that the **school** district deems to be harmful to juveniles;
  - (C)** Select a technology for the **school** district's computers having **Internet** access to **filter** or block **Internet** access through the computers to child pornography and obscenity;
  - (D)** Establish appropriate measures to be taken against persons who violate the **policy**;
  - (E)** Include a component on **Internet** safety for students that is integrated in a **school** district's instructional program; and
  - (F)** Encourage communications with parents that raise awareness about **Internet** safety using existing avenues of communication, such as parent-teacher conferences.
- **(2)** The **policy** may include such other terms, conditions and requirements as deemed appropriate, such as requiring written parental authorization for **Internet** use by juveniles or differentiating acceptable uses among elementary, middle and high **school** students.
- **(b)** The director of **schools** shall take such steps as appropriate to implement and

- enforce the **school** district's **policy**.
- **(c)** On or before December 1, 2008, and biennially thereafter, the commissioner of education shall submit a report to the chairs of the education committees of the senate and the house of representatives that summarizes the acceptable use **policies** filed with the commissioner pursuant to this section and the status of those **policies**.
  - **(d)** In addition to the requirements of subsections (a)-(c) regarding public **school Internet** use **policies**, the principal or other chief administrator of all category 1-3 nonpublic **schools** approved by the department of education shall select a technology for such **school's** computers having **Internet** access to **filter** or block **Internet** access through the computers to child pornography.
  - **(e)** The commissioner of education shall issue guidelines to **school** districts regarding instructional programs related to **Internet** safety. Within forty-five (45) days of July 1, 2008, the commissioner shall issue a memorandum advising **school** districts of this section and encourage cooperation with local law enforcement agencies in its implementation.
  - **(f)** The attorney general and reporter shall work with the department of education to assist local **school** districts in developing their own methods for teaching **Internet** safety to elementary and secondary students, as well as parents, that are within the guidelines established by the department of education.
  - **(g)** The attorney general and reporter shall also work with the department of education to establish best practices for teaching **Internet** safety and make those best practices and other resources, including sample curricula on **Internet** safety, available to public and private **schools** throughout the state.