



**TENNESSEE BUREAU OF INVESTIGATION
TENNESSEE FUSION CENTER
SEX OFFENDER REGISTRY
STANDARD OPERATING PROCEDURES**



Agency Collection of Sex Offender Registry Administrative Costs

PURPOSE:

The purpose of this procedure is to define the necessary guidelines for Sex Offender Registering Agencies to collect the annual administrative costs from offenders on the Tennessee Sex Offender Registry (SOR). This activity is mandated by Tennessee state law effective July 1, 2008.

PROCEDURAL PROCESS:

Sex Offender Registry administrative cost collection is a vital part of the Sex Offender Registration, Verification, and Tracking process and shall be thoroughly documented with the same standards as the documentation of all other offender information required under the Act. The supervisor of the TBI Sex Offender Registry Unit shall coordinate with the Information Systems Division of the TBI to develop a process for Registering Agencies to collect administrative costs associated with the Sex Offender Registry and for agency remittance of the TBI portion of those costs.

- I. For offenders classified as Violent Sexual Offenders, Registering Agencies shall collect administrative costs of \$150.00 from the offender at the time of the offender's first registration/reporting date for the calendar year.
- II. For offenders classified as Sexual Offenders, Registering Agencies shall collect administrative costs of \$150.00 from the offender at the time of the offender's annual reporting date. Offenders whose initial registration occurs after the annual reporting period shall be required to pay the administrative costs at the time of the initial registration.
- III. Offenders adjudicated as juveniles and classified as Violent Juvenile Sexual Offenders are not required to pay the annual SOR Administrative Fee until the offender reaches eighteen (18) years of age. Once the offender is eligible to pay the SOR Administrative Fee, this standard operating procedure should be followed.
- IV. Offenders from other states, who are visiting Tennessee and meet the registration requirements to register in Tennessee, shall pay the annual fee at the time of initial registration.
- V. Registering Agencies shall make the determination of an offender's ability to pay the administrative costs annually, at the time the payment is due. According to the United States Department of Health & Human Services, the poverty threshold



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begins at \$11,670 for an individual person. If an offender is claiming indigence, he or she must provide proof. Here are some **examples** an agency may consider, but not limited to:

- Declared indigent by a court within the last 12 months
- Has a net worth of less than \$25,000 (homes, cars, investments, etc)
- Proof of unemployment or social security
- Copy of last 2 check stubs
- Copy of rental application
- Deed of trust

Note: No portion of the administrative cost is to be waived unless the offender provides proof. If the fee is waived, the agency MUST fill out an “Indigent Fee Waiver Form”. Send TBI the original, give the offender a copy and keep a copy for the agency. This form is located on the TBI Law Enforcement Only Website under Sex Offender Registry forms.

TBI will search Employment Security for you upon request. Please send your requests to the TBI Manger, TBISORMGR@tn.gov

- VI. Registering Agencies shall maintain a monthly ledger (preferably a spreadsheet in Excel format) for each offender the agency has collected a fee from or declared indigent. The monthly ledger shall list the agency name, and contain columns listing the offender name, the offender TOMIS/SO number, the date of fee payment, the date of indigence determination, the name of the person accepting the fee, and the name of the person making the indigence determination. Registering Agencies shall submit a copy of this ledger to the TBI Sex Offender Registry Unit monthly by either an attachment in an e-mail (preferred) or a hard copy by postal mail to the following addresses:

Karrie.Stanfill@tn.gov or:

Intelligence Analyst Karrie Stanfill
Sex Offender Registry Unit
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216-2639

The spreadsheet shall be cumulative for the entire fiscal year, July through June. For example, in August, agencies will e-mail a spreadsheet with information for the



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month of July. In September, agencies will e-mail a spreadsheet with information for July and August. In October, agencies will e-mail a spreadsheet for July, August, and September, and so on.

Agencies may obtain a blank generic ledger, with monthly tabs for entering information during the entire fiscal year at the Sex Offender Registry web site for Law Enforcement: <http://www.tn.gov/tbi>

Click on Helpful Links

Click on Law Enforcement Resources

Click on the "Tennessee Sex Offender Registry"

Click on "SOR Forms"

Click on "Monthly Fee Ledger"

- VII. Registering Agencies shall not accept partial payments of Sex Offender Registry administrative costs from offenders. Fee payment schedules or payment plans are not allowed.
- VIII. Upon collection of the \$150.00 administrative cost, Registering Agencies shall **immediately enter the fee payment information for the offender into the Sex Offender Registry Database**. Information shall include the date the fee was paid and the name of the agency that collected the fee. If the system is unavailable, Registering Agencies shall ensure that the payment information is entered into the Sex Offender Registry Database within 72 hours of receipt. If computer issues persist during the 72 hour period, Registering Agencies shall contact an analyst within the TBI Sex Offender Registry Unit by calling the Registry Hotline (1-888-837-4170) to obtain assistance in entering the payment information. Registering Agencies shall insure that all offender payment information for any given calendar month is entered into the system by the 3rd day of the following month. Offender payment information shall remain in the sex offender registry system until the next subsequent fee payment by the offender.
- IX. TCA: 9-2-103 Title 9 Public Finances, Chapter 2 Accounting For Revenues
It is State law that agencies much use official receipts and they must be maintained for a period of 3-5 years after the audit cycle.
Remember to issue a receipt to each offender when he or she pays and add a copy of the receipt to the offender's file.
Segregations of duties: The person who writes the receipts should not be the person who approves the billing.
- X. The TBI shall issue a billing statement monthly to each Registering Agency that has collected fees. Billing statements are issued based on information entered into the Sex Offender Registry Database. Upon receipt of the monthly billing statement from the TBI, Registering Agencies shall compare the statement to their own



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monthly receipt ledger for consistency. Inconsistencies shall include, but not be limited to, offenders listed on agency billing statements who have not paid a fee and offenders who have paid annual fees to the agency who are not listed on the billing statement. All inconsistencies shall be immediately reported to the supervisor of the TBI Sex Offender Registry Unit, or Lead Analyst, so that corrections can be made to both the registry software system and the agency billing statement. The Lead Analyst in the SORU for reporting billing inconsistencies is: Intelligence Analyst Karrie Stanfill, 615-744-4213, Karrie.Stanfill@tn.gov .

- XI. Agency payment is due upon receipt of the TBI billing statement. Each year during the month of August, Registering Agencies shall review agency fee collection and TBI billing activity for the previous fiscal year to ensure payment for all offenders is current.
- XII. Advance billing to Registering Agencies is not available from TBI and is not an option. TBI will not issue monthly invoices for any particular month, prior to that month actually ending.

Related Tennessee Code:

40-39-201(b)(7) The offender is subject to specified terms and conditions that are implemented at sentencing, or, at the time of release from incarceration, that require that those who are financially able must pay specified administrative costs to the appropriate registering agency, which shall retain one hundred dollars (\$100) of these costs for the administration of this part and shall be reserved for the purposes authorized by this part at the end of each fiscal year, with the remaining fifty dollars (\$50.00) of fees to be remitted to the Tennessee bureau of investigation's sex offender registry; provided, that a juvenile offender required to register under this part shall not be required to pay the administrative fee until the offender reaches eighteen (18) years of age.

40-39-204. (b) Violent sexual offenders shall report in person during the months of March, June, September, and December of each calendar year, to the designated law enforcement agency, on a date established by such agency, to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, and to verify the continued accuracy of the information in the TBI registration form. Offenders who reside in nursing homes and assisted living facilities and offenders committed to mental health institutions or continuously confined to home or health care facilities due to mental or physical disabilities are exempt from the in-person reporting and fingerprinting, as otherwise provided by this part. At the time of the violent offender's initial registration or initial reporting date for the calendar year, the violent sexual offender shall pay the specified administrative costs, not to exceed one



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hundred fifty dollars (\$150), one hundred dollars (\$100) of which shall be retained by the designated law enforcement agency to be used for the purchase of equipment, to defray personnel and maintenance costs and any other expenses incurred as a result of the implementation of this part. The remaining fifty dollars (\$50.00) shall be submitted by the registering agency to the TBI for maintenance, upkeep and employment costs, as well as any other expenses incurred as a result of the implementation of this part. Offenders who reside in nursing homes and assisted living facilities and offenders committed to mental health institutions or continuously confined to home or health care facilities due to mental or physical disabilities are exempt from paying the administrative cost as otherwise provided by this part.

(c) Once a year, all sexual offenders shall report in person, no earlier than seven (7) calendar days before and no later than seven (7) calendar days after the offender's date of birth, to the designated law enforcement agency to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, to verify the continued accuracy of the information in the TBI registration form and to pay the specified administrative costs, not to exceed one hundred fifty dollars (\$150), one hundred dollars (\$100) of which shall be retained by the designated law enforcement agency to be used for the purchase of equipment, to defray personnel and maintenance costs and any other expenses incurred as a result of the implementation of this part. The remaining fifty dollars (\$50.00) shall be submitted by the registering agency to the TBI for maintenance, upkeep and employment costs, as well as any other expenses incurred as a result of the implementation of this part. Offenders whose initial registration occurs after the annual reporting period shall be required to pay the administrative costs at the time of the initial registration. Offenders who reside in nursing homes and assisted living facilities and offenders committed to mental health institutions or continuously confined to home or health care facilities due to mental or physical disabilities are exempt from the in-person reporting and fingerprinting and administrative cost as otherwise provided by this part. However, if an offender is released or discharged from a nursing home, assisted living facility or mental health institution or is no longer continuously confined to home or a health care facility due to mental or physical disabilities, the offender shall, within forty-eight (48) hours, register in person with the designated law enforcement agency, completing and signing a TBI registration form, under penalty of perjury, pursuant to § 39-16-702(b)(3). If the offender has previously registered prior to the release or discharge, the offender shall, within forty-eight (48) hours, report in person to the designated law enforcement agency and update all information pursuant to this section.

40-39-208. (a) It is an offense for an offender to knowingly violate any provision of this part. Violations shall include, but not be limited to, the following: (5) Failure to pay the annual administrative costs, if financially able; (b) A violation of this part is a Class E felony. No person violating this part shall be eligible for suspension of sentence, diversion or probation until the minimum sentence is served in its entirety.



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T.C.A. 40-39-206. Centralized record system

(f) The TBI has the authority to promulgate any necessary rules to implement and administer the provisions of this section. These rules shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

T.C.A. 40-39-217. Community notification system.

(a) (1) Any county, metropolitan form of government or municipality may, by a two-thirds (2/3) vote of the legislative body, choose to establish a community notification system whereby certain residences, schools and child-care facilities within the county, metropolitan form of government or municipality are notified when a person required to register pursuant to this part as a sexual offender or violent sexual offender resides, intends to reside, or, upon registration, declares to reside within a certain distance of such residences, schools and child-care facilities.

(2) The legislative body of any county, metropolitan form of government or municipality that enacts a community notification system pursuant to this subsection (a) may, at the same time as the system is established, enact a notification fee of not more than fifty dollars (\$50.00) per year from each offender in the county, metropolitan form of government or municipality for the purpose of defraying the costs of the community notification. The notification fee shall be collected at the same time as the one-hundred-fifty-dollar administrative fee collected pursuant to § 40-39-204(b).

(b) Forms of notification a county, metropolitan form of government or municipality may elect to establish include:

(1) Notification by the sheriff's office or police department to residents, schools and childcare facilities located within a specified number of feet from the offender's residence;

(2) A community notification flyer, whether made by regular mail or hand delivered, to all legal residences within the specified area;

(3) Posting a copy of the notice in a prominent place at the office of the sheriff and at the police station closest to the declared residence of the offender;

(4) Publicizing the notice in a local newspaper, or posting electronically, including the Internet;

(5) Notifying homeowners associations within the immediate area of the declared residence of the offender; or

(6) Any other method reasonably expected to provide notification.

(c) Nothing in this section shall be construed as prohibiting the Tennessee Bureau of Investigation, a sheriff, or a chief of police from providing community notification under this section electronically or by publication or periodically to persons whose legal residence is more than the applicable distance from the residence of an offender.



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INDIGENT FEE WAIVER

DATE: _____

OFFENDER: _____

TOMIS/SO#: _____

FEE WAIVER EXPLANATION:

Registering Agencies shall make the determination of an offender’s ability to pay the administrative costs annually, at the time the payment is due. This determination should be based on the following Indigence Standard:

- (1) A person so poor and needy that he or she cannot provide, nor is provided for, the necessities of life, i.e.. food, clothing or shelter; and/or
- (2) Does not receive support from others; and or
- (3) Has an income level below the poverty line and does not reside with family or associates.

FEE WAIVED BY: _____