

RESOLUTION NO. 25-05-014

SPONSORED BY: COMMISSIONERS JARED ANDERSON, MIKE AKARD, MISTY DAVIS, RICK CARVER, JESSICA HANNAH, STEVE MIKELS, JOHN GILES, NICK BRIGHT, QUENTIN CALDWELL, LINDA WEBB, ROBBIE BENNETT, DAWN REAGAN, EARL MCMAHAN, DAVID WELLS, BRAD BOWERS, RON FRENCH, AND STACI MARTIN.

A RESOLUTION OF THE BLOUNT COUNTY COMMISSION REQUESTING A REVIEW OF CERTAIN STATE LAWS RELATED TO THE SAFETY OF CHILDREN BY THE TENNESSEE GENERAL ASSEMBLY

WHEREAS, the safety and protection of children is of paramount concern to the citizens of Blount County and to the State of Tennessee; and

WHEREAS, current Tennessee law does not sufficiently distinguish the seriousness of offensive or provocative physical contact when the victim is a minor under T.C.A. § 39-13-101, which was recently used to charge an offender in a case of urgent public concern; and

WHEREAS, individuals convicted of such conduct should not be permitted to continue in positions of trust involving children, particularly within Tennessee schools; and

WHEREAS, enhanced measures for data collection and inter-district communication regarding personnel complaints are necessary to protect students across school systems statewide.

NOW, THEREFORE, BE IT RESOLVED that the Blount County Board of Commissioners hereby requests that the General Assembly review the statutes governing criminal offenses with regard to the safety of children and other related laws and to consider the following:

1. Amending T.C.A. § 39-13-101, which criminalizes general offensive or provocative physical contact, to also specifically criminalize offensive or provocative physical contact with a minor, and to provide that it is classified as a felony or a more severe misdemeanor than the current offense of offensive or provocative physical contact generally.
2. Amending state law to provide that offenders of offensive or provocative physical contact with a minor also automatically lose their license to teach upon conviction or plea of guilty or nolo contendere, regardless of whether judicial diversion is ordered or completed.
3. Amending state law to remove the option of judicial diversion for the recommended offense of offensive or provocative physical contact with a minor by adding it to the list of ineligible offenses under T.C.A. § 40-35-313.
4. Amending state law to require that every school system in the state must collect data concerning complaints concerning employees related to personnel issues, and to work towards ensuring that the state is collecting such information from local school systems and making it available to all other school systems for use in hiring, promotion, and retention decisions.
5. Amending state law to require that any resignation or separation of an employee during the pendency of an investigation into conduct involving a minor must be reported to the Tennessee Department of Education and included in any personnel records accessible to future employing districts.

BE IT FURTHER RESOLVED that this resolution shall be forwarded to Blount County’s state legislators and to leadership of both houses of the General Assembly.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

County Mayor

Date

- ☐ Approved
☐ Vetoed