



## Tennessee's Savanna's Law

**T.C.A. §§ 40-39-401 and -402**

### **Summary:**

Savanna's Law is the new domestic violence offender registry passed in Tennessee, effective January 1, 2026. Under Savanna's Law, if a person is convicted of an offense against a domestic abuse victim and the person convicted has at least one (1) prior conviction for an offense against a domestic abuse victim, then the person convicted shall register as a persistent domestic violence offender. T.C.A. 40-39-402.

This registry is managed by the Tennessee Bureau of Investigation (TBI) based upon information supplied by the court clerks and individuals who are eventually removed from this registry after a number of years pass without committing a new offense.

### **Important definitions regarding Savanna's Law T.C.A. 40-39-401:**

- 1. Convicted and conviction:** Requires a verdict of guilt by a judge or jury, or a plea of guilt and includes a plea of nolo contendere or a best interest plea accepted by the court.
- 2. Domestic abuse victim:** Adults or minors who are current or former spouses; adults or minors who live together or who have lived together; adults or minors who are dating or who have dated or who have had a sexual relationship; adults or minors related by blood; adults or minors who are or were formerly related by marriage; or adult or minor children of a person in a relations that is described in a relationship listed here.
- 3. Persistent domestic violence offender:** The person has been convicted in this state of an offense committed against a domestic abuse victim and has at least one (1) prior conviction of an offense against a domestic abuse victim.
- 4. Prior conviction:** A conviction for an offense that occurred before the individual committed the new offense they are being sentenced. Refer to T.C.A. section 40-35-106(b)(1) for the statutory definition of prior conviction.
  - a. Case law surrounding this timing situation dates back to State v. Blouvett, 904 S.W.2d 111 (1995). This case involved a month's long crime spree ending up with all individual crimes tried in one proceeding. The trial court used the convictions on the earlier crimes to enhance the later convictions, but the TN Supreme Court stated that it was not proper here because all charges were tried at the same time. Earlier charges needed to be "reduced to judgment" prior to the later crimes taking place. The court in this case is saying that the prior conviction must be decided/adjudicated before the subsequent act occurs in order to be classified as a prior conviction.
  - b. If an offender is currently in proceedings for one charge when the subsequent act occurs, that first offense, even if it ends in a guilty verdict, would not be considered a prior conviction for the subsequent act that occurred. The earlier conviction will only be

considered a prior conviction for any act that occurs AFTER that conviction date. Delays in criminal proceedings can and will cause issues if offenders are continuously committing offenses while charges are pending and the offender is out on bail.

Under T.C.A. § 40-39-402, the TBI maintains the DV offenders' registry based on information provided by the courts' clerks. Registry shall be available for public inquiry on the internet and must consist of DV offender's name, DOB, conviction date, county[ies] of conviction, and a photograph of offender. If available, court clerk must provide TBI with copy of drivers' license or other state/fed ID but the registry MUST NOT include offender's address/social/or other identification number.

### **Important notes regarding how the registry will function:**

1. Statute specifically states that the key determinations are: (1) is the victim a domestic abuse victim, and then (2) there was an offense committed against that domestic abuse victim.
2. If convicted of [at least] one prior qualifying offense, then following the subsequent conviction you are subjected to the domestic violence offender registry. If ordered to register, court clerk forwards the required information to the TBI within seven (7) days of conviction.
  - a. Nothing mentioned about registration requirement being stayed during a pending appeal. The presumption is even if the second conviction is appealed, the individual will still be required to register during the pendency of the appeal.
  - b. No clear guidance regarding what happens if a court clerk does not forward the information within seven (7) days of the conviction. Additionally, the statute is silent on how long the TBI has to upload the information into the registry after they receive the information from the court clerks.
  - c. Expungements (if eligible) remove convictions from an offender's records and could create a scenario where someone on the registry is no longer required to be on the registry.
3. TBI shall remove an individual from the registry after a period of time depending on the number of prior convictions.
  - a. If there is one (1) prior conviction, then the DV offender shall be removed from the list five (5) years after the date of the most recent conviction.
  - b. Two (2) prior convictions, removal from the registry shall take place after seven (7) years.
  - c. If three (3) prior convictions, then the offender's name shall be removed from the registry ten (10) years after the most recent conviction.
  - d. Finally, if there are four (4) or more prior convictions for an offense committed against a domestic abuse victim, then the offender's name shall be removed from the registry twenty (20) years after the date of the most recent conviction.
4. Registry is only triggered based on new offenses after January 1, 2026. **Convictions prior to January 1, 2026, however, are used for “prior conviction” element.** This means any convictions for offenses committed against a domestic abuse victim prior to January 1, 2026, satisfies the prior conviction element and any new conviction after January 1, 2026, will trigger the registry requirement.