

EX-OFFENDERS

Ex-offenders, even after they have served their sentences, may find that they are deprived of many important civil and constitutional rights and commonly accepted privileges of citizenship. For years after a person has been discharged or completed a prison term, a conviction may curtail certain rights, and may bar him/her from holding political office, obtaining a professional license or serving as a juror. Despite ACLU objection, the courts have upheld some, but not all, of these "civil disabilities."

In Tennessee, as in most states, prisoners lose the right to vote while incarcerated (T.C.A. §40-20-112). State law provides for the restoration of civil rights upon completion of a sentence, completion of probation and parole, payment of all court-ordered restitution and court-ordered child support. (T.C.A. §40-29-201) However, for certain crimes the right to vote may be permanently denied. (See Former Felon Voting)

Complaints about government restrictions, such as on licenses, public employment, rights or benefits, should also be sent to us in writing. However, in many of these instances, there may not be anything we can do. Civil disabilities can be removed with a pardon from the governor. You may also want to write to the governor's office to request information on how to apply for a pardon.

Pursuant to state and federal laws, individuals convicted of violent crimes are permanently denied the right to own certain types of firearms.

U.S. citizens convicted of a crime cannot be stripped of their citizenship, the Supreme Court held in *Trop v. Dulles* (1958). However, a conviction may be reason to deny an alien U.S. Citizenship or to deport him. A conviction generally does not affect a person's right to obtain a passport, though a passport won't be issued to someone with an outstanding warrant, and a passport applicant must swear that they have not been convicted of treason.

A person convicted of a crime may be barred from holding a government position. Tennessee law requires a person appointed or elected to public office to forfeit that office (T.C.A. §40-20-114) when convicted of a felony, or of any crime involving dishonesty or misconduct. There are no laws protecting ex-offenders from discrimination in the private sector. However, some racial minorities may be protected under discrimination laws where the fact of ex-offender status has been shown, disproportionately and negatively, to affect members of a racial group who would otherwise be eligible for employment.

There are some organizations, both privately operated and state-funded, that help ex-offenders make the transition from prison into society.

SEXUAL OFFENDERS

Under federal and state laws, certain released sexual offenders are required to register with the police. Tennessee law mandates registration with the Tennessee Bureau of Investigation (TBI) within 48 hours of release from incarceration or change of residence (T.C.A. §40-39-203). Ten (10) years after the termination of active supervision on probation, parole or any other alternative to incarceration, or no sooner than ten (10) years after discharge from incarceration without supervision, an offender required to register under this part may file a request for termination of registration requirements with TBI headquarters in Nashville, on proof that no offense has been committed in the 10 years following conviction or release from correctional facility. If an offender is denied a termination request based on substantial noncompliance, the offender may petition again for termination no sooner than five (5) years after the previous denial (T.C.A. § 40-39-207). Under Megan's Law, local law enforcement agencies must make available to the public, based on degree of risk of re-offense, the names of convicted sex offenders in their locality. Under a statute passed in 2004 (T.C.A. §40-29-204), information regarding high risk and most moderate risk offenders will be placed on an Internet site that is available to the public.

Numerous legal challenges have already been made to sex offender registry programs in Tennessee and across the country. The Supreme Court and Tennessee courts have consistently found that the registries are lawful and do not violate either the U.S. Constitution or the Tennessee Constitution. The courts have ruled that sex offender registries are not punishment, but are regulatory schemes meant to protect the general population. Since the registries are not punitive, they do not require more due process protection than offenders receive during their trials and sentencing. Moreover, changes in the registry requirements do not cause double jeopardy problems since offenders are not being punished twice for the same crime. They do not violate ex post facto rules either because the offender is not being retroactively punished. Legal challenges to the validity of sex offender registration programs in general have consistently failed.



P.O. Box 120160, Nashville, TN 37212
Tel: 615.320.7142

This information provided is for educational purposes only. It is not intended to be legal advice.

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RESOURCES – NATIONAL AND STATE

ACLU-TN provides the following list of resources for informational purposes only. ACLU-TN does not endorse any of the organizations listed.

National Organizations

- **U.S. Dept. of Justice, Civil Rights Division**

Voting Section: 1-800-253-3931

State Organizations

- **Dismas House**

1513 16th Avenue South

Nashville, TN 37212

Phone: (615)297-4511

Fax: (615)297-6326

Provides transitional housing and support services for men and women recently released from prison. The house provides room and board, transportation, job referrals, life skills counseling, and drug and alcohol counseling. Residents are required to find a job and become productive members of the house.

- **Men of Valor**

Sexual Offender Resource

1420 Donelson Pike, Suite B-6

Nashville, TN 37217

Phone: (615)399-9111

Fax: (615)361-8544

Bilingual

Faith-based transitional program supporting offenders with housing, guidance, and counseling to reintegrate and become productive members of society.

- **Project Return**

1200 Division Street, Suite 200

Nashville, TN 37203-4000

(615)327-9654

Provides a broad range of assistance and support to anyone with a juvenile or criminal record, aid in the transition from incarceration to the community to ensure a chance for success, and education to the community and clients that offenders are human beings first and offenders secondly.

- **Steps House, Inc.**

712 Boggs Avenue

Knoxville, TN 37920

(865) 573-7152

(866) 442-1411

Organization that provides housing with a \$115 weekly charge. Advocates change and has a high success rate of breaking the cycle of homelessness in men over the age of 18.

- **TN Department of State
Elections Divisions General Information**

312 Rosa L. Parks Avenue

9th Floor, Snodgrass Tower

Nashville, TN 37243-1102

Phone: (615) 741-7956

<http://state.tn.us/sos/election/index.htm>

- **Tennessee Offender Re-Entry**

<http://www.tnoffenderreentry.com>

- **TRICOR**

240 Great Circle Road

Suite 310

Nashville, TN 37228

(615)741-5705

(800)958-7428

Bilingual

Provides occupational and life skills training for Tennessee's incarcerated population through job training, program opportunities, and transitional services designed to assist offenders with a successful reintegration into society.

- **University of Memphis Legal Clinic**

Cecil C. Humphreys School of Law

3715 Central Avenue

Memphis, TN 38152

(901)678-2421

- **University of Tennessee Legal Clinic**

1505 West Cumberland Avenue

Knoxville, TN 37996

(865)974-2331

clinic@utk.edu

- **Urban Family Ministries**

2174 Lamar Avenue

Memphis, TN 38114

(901)323-8400

Provides education, clothing, food, and transitional housing. Also provides counseling and spiritual guidance to offenders in the transition back to society. Nominal fee associated with the DUI school.



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- **Vanderbilt University Legal Clinic**

*131 21st Avenue South
Nashville, TN 37203-1181
(615)322-2615*

Volunteer attorneys and law students, assist prisoners with pro se litigation.

- **WesTCORE**

*111 South Highland, #174
Memphis, TN 38111
(901) 218-5423*

Provides transitional housing, support/counseling, and job readiness through a collaboration of organizations designed to assist offenders with a successful reintegration into society.



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