

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, and payment of all court-ordered restitution, court-ordered child support, and court costs. (T.C.A. §40-29-201) However, for certain crimes the right to vote may be permanently denied.

Complaints about government restrictions, such as restrictions on licenses, public employment, rights or benefits, should 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.



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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. Department of Justice**
Civil Rights Division: Voting Section
Website: <http://www.justice.gov/crt/voting-section>
Phone: 202-307-2767
Toll Free: 800-253-3931
Fax: 202-307-3961
E-mail: voting.section@usdoj.gov

The Voting Section of the Civil Rights Division enforces the civil provisions of the federal laws that protect the right to vote.

State Organizations

- **Corrections Corporation of America (CCA)**
Inmate Reentry Services
10 Burton Hills Boulevard
Nashville, TN 37215
Website: <http://www.cca.com/inmate-services/inmate-reentry-preparation>
Phone: 615-263-3000
Toll Free: 1-800-624-2931
Fax: 615-263-3140

CCA aims to curb the cycle of recidivism by supporting those who have been given a second chance to change their lives for the better

- **Dismas House**
1513 16th Avenue South
Nashville, TN 37212
Website: <http://www.dismas.org>
Phone: 615-297-9287
Fax: 615-297-6326
E-mail: info@dismas.org

The mission of Dismas House is to bring about mutual reconciliation between former offenders and society through the development of a supportive community characterized by students and former offenders living together in a family setting, active involvement of volunteers from the larger community and a spirit of open and participative decision-making with an emphasis on the common good.

- **Men of Valor**
1410 Donelson Pike, Suite B-1
Nashville, TN 37217
Website: <http://www.men-of-valor.org/>
Phone: 615-399-9111
Fax: 615-361-8544
E-mail: RaulJLopez@movnashville.com

Men of Valor provides biblically-based programming, aftercare/re-entry services for men who were previously incarcerated to re-enter society. Services are free.

- **Project Return**
806 4th Avenue South
Nashville, TN 37210-4000
Website: <http://www.projectreturninc.org/>
Phone: 615-327-9654
E-mail: pri@projectreturninc.org

Project Return works with persons who have been convicted of felonies or serious misdemeanors and were released from incarceration within the preceding twelve months.

- **Steps House, Inc.**
712 Boggs Avenue
Knoxville, TN 37920
Website: <http://steps-house.com/>
Phone: 865-210-5315 or 865-288-0471
Residential Recovery Program: 865-573-7152

Steps House is a non-profit corporation that utilizes 140 beds in 38 home sites, providing shelter and housing for residents while they recover from addiction and homelessness. Steps House offers a women's program for women who are pregnant and addicted, women with small infants and children up to three years old and women who are looking for a medium to long-term sober living environment.



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

312 Rosa L. Parks Avenue
Snodgrass Tower, 7th Floor
Nashville, TN 37243
Website: <http://sos.tn.gov/elections>
Phone: 615-741-7956
Toll Free: 1-877-850-4959
E-mail: Tennessee.elections@tn.gov

The Division of Elections is headed by the Coordinator of Elections, who oversees the election process in the state of Tennessee. The Coordinator of Elections works directly with 95 local county election commissions, candidates and the public on election related issues.

▪ **TRICOR**

6185 Cockrill Bend Circle
Nashville, TN 37209
Website: <http://www.tricor.org/>
Phone: 615-741-5705

Tennessee Rehabilitative Initiative in Correction, or TRICOR, aims to prepare offenders for success after release by helping them gain the necessary skills to stay out of prison.

▪ **University of Memphis Legal Clinic**

Downtown Law School Building, 1 North Front Street
Memphis, TN 38103
Website: <http://www.memphis.edu/law/programs/legal-clinics.php>
Phone: 901-678-5332

The University of Memphis Legal Clinic fulfills a critical community service by providing free legal services to under-represented clients.

▪ **University of Tennessee Pro Bono**

University of Tennessee College of Law
1505 West Cumberland Avenue
Knoxville, TN 37996-1810
Phone: 865-974-2492
E-mail: rmorgan2@utk.edu

UT Pro Bono is a community service organization that strives to connect law students with area attorneys to reach traditionally underserved groups in need.

▪ **Urban Family Ministries**

2174 Lamar Avenue
Memphis, TN 38114
Website: <http://www.wroc.us/Urban%20Family%20Min.html>
Phone: 901-323-8400
Fax: 901-405-1235
E-mail: aivory@ufmcdc.org

Urban Family Ministries (UFM) is a non-profit organization with a purpose to bring life and hope back to the urban community through programs and services. UFM offers housing and support for non-violent ex-offenders returning to the community.

▪ **Vanderbilt University Legal Clinic**

131 21st Avenue South
Nashville, TN 37203-1181
Phone: 615-322-2615

Vanderbilt Legal Clinic is a law office within Vanderbilt University Law School that provides free representation for a limited number of individuals and organizations that could not otherwise afford representation.

▪ **WesTCORE**

Website: <http://westcore.org/>
For Housing: <http://westcore.org/service-areas/housing/>
For Career Development: <http://westcore.org/service-areas/career-development/>
For Counseling Support: <http://westcore.org/service-areas/counseling-support/>

WesTCORE is a group of nonprofits and faith-based agencies that want to assist in the re-entry challenges in the Memphis area.



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