

CRIMINAL LAW UPDATES AND CASES

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DEEPPFAKE IMAGES

- Chapter 466, Public Acts 2025, adding T.C.A. §§ 39-17-1901-1906
 - Effective July 1, 2025.
 - Deepfakes' means videos, images, or audio files that have been generated or manipulated by artificial intelligence in order to realistically portray something that did not actually occur.
 - Sexually explicit conduct means graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse.....showing genitals, breast, pubic area of the personengaged in bestiality, masturbation, or lascivious exhibition
 - A violation is a Class E felony, or a Class C felony if it affects the conduct of any administrative, legislative, or judicial proceeding of a governmental agency, inducing the administration of an election; or to Facilitate Violence

NEW LAW

- Sexual Exploitation of Children; Technology, Software or Digital tools to Create Material Showing Minor Engaged in Sexual Activity
- Chapter 257, Public Acts 2025, adding T.C.A. §39-17-1007
 - Effective July, 1, 2025.

“(a)(1) It is an offense for a person to knowingly possess, distribute, or produce technology, software or digital tools designed for the purpose of creating material that includes a minor engaged in:

T.C.A §39-17-1009

- Sexual Exploitation of Children; Technology, Software or Digital tools to Create Material Showing Minor Engaged in Sexual Activity
 - (a)(1) Engaged in:
 - (A) Sexual Activity; or
 - (B) Simulated sexual activity that is patently offensive
 - (a)(2) (A) **Possession** of technology, software, or digital tools in violation of subdivision (a)(1) is a Class E Felony
 - **Distribution** of is a Class C Felony.
 - **Production** of is a class B Felony.

T.C.A § 39-17-1009 - Continued

- “(b) In determining whether technology, software, or digital tools are designed for the purpose of creating material that includes a minor engaged in sexual activity or simulated sexual activity that is patently offensive, the court or other authority making that determination shall, in addition to all other logically relevant factors, consider the following:
 - (1) Statements by the defendant concerning its use;
 - (2) The existence of material that includes a minor engaged in sexual activity or simulated sexual activity that is patently offensive in the defendant’s possession;
 - (3) Instructions, oral or written, provided with the technology, software or digital tools concerning its use

T.C.A § 39-17-1009 - Continued

- (4) Descriptive materials accompanying the technology, software, or digital tools that explain or depict its use;
- (5) The manner in which the technology, software, or digital tools were advertised or offered when obtained by the defendant;
- (6) The existence and scope of legitimate uses for the technology, software, or digital tools in the community; and
- (7) Expert testimony concerning use of the technology, software, or digital tools.”

DUI, Aggravated Vehicular Assault, and Aggravated Vehicular Homicide Decreased Blood Alcohol Threshold

- Chapter 430, Public Acts 2025, amending T.C.A. §§ 39-13-115(b)(2)(A) and –(218)(a)(3). Effective July 1, 2025.
- The Defendants blood alcohol level for conviction has been lowered from twenty-hundredths of one percent (.20%) to fifteen-hundredths of one percent (.15%).

IMPLIED CONSENT LAW CHANGE

- Chapter 403, Public Acts 2025, amending T.C.A § 55-10-407(a)(1)(A) and § 39-13-106(c) Effective January 1, 2026.
- § 55-10-407(a)(1)(A) “Except as provided in subdivision (a)(1)(B), one (1) year, if the person does not have a prior conviction as defined in subsection (e);
- (B) One (1) year and six (6) months, if the person;
 - (i) Has a previous conviction as defined in subsection (e);
 - (ii) Is suspected of having committed a misdemeanor violation of § 55-10-401; and
 - (iii) Violated 55-10-406 by refusing to submit to a law enforcement officer’s request for a blood test.”

Changes to T.C.A § 55-10-406 Effective May 5, 2025

- § 55-10-406(d)(4) “If the operator is placed under arrest, requested by a law enforcement officer to submit to breath tests, blood tests, or both tests, advised of the consequences for refusing to do so, and refuses to submit, the operator shall be charged with violating subdivision (d)(1). The operator’s refusal is a violation of subdivision (d)(1), **even if the operator’s blood sample is obtained** pursuant to a search warrant, court order, exigent circumstances, or other lawful means.:

INVALID OUT OF STATE DRIVER'S LICENSES

- § 55-50-356 Chapter 288, Public Acts 2025.
 - Effective January 1, 2026.
- The Dept shall develop and publish a list of out-of-state driver's licenses issued exclusively to illegal aliens that are invalid in this state.
- Based on the list, starting January 1, 2026, anyone driving with one in Tennessee, is driving on an invalid driver's license and it does not authorize the holder to operate a motor vehicle in Tennessee.
- Doesn't apply to United States citizens or lawful permanent residents, or those that have a temporary legal presence and specified period of authorized stay in the U.S.

Pointing Lasers at Person Operating Vehicle

- Chapter 88, Public Acts 2025, adding T.C.A. §39-13-120
 - Effective July 1, 2025.

“(a) It is an offense to knowingly activate and point a laser pointer or other device utilizing a laser beam at a person operating an automobile, boat, aircraft, or other motor vehicle.

“(b) An offense under this section is a Class B misdemeanor.”

HARASSMENT – NEW DEFINITION

- Chapter 408, Public Acts 2025, amending T.C.A § 39-17-308(e)(2)
 - Effective July 1, 2025.
- “(2) Communicate’ means contacting a person in the physical presence of the person, in writing or print, or by telephone, wire, radio, electromagnetic, photoelectronic, photooptical, or electronic means, and includes verbal and nonverbal communication, text messages, flyers, facsimile transmissions, electronic mail, instant messages, and messages, images, video, sound recordings, voice recordings, or intelligence of any nature sent through or posted on social networks, social media, or websites.”

PROTECTIVE SERVICES

- The Protective Services Division was established 2012 and is one of the most unique divisions within the Tennessee Highway Patrol. This division is made up of two commands; the Executive Protection Unit and the Capitol Protection Unit. Troopers and officers within this division are responsible for operations pertaining to the protection of the governor, legislators, justices, and other dignitaries, as well as the State Capitol and state employees. The Protective Services Division also works with state agencies to help provide instruction on bomb threats, personal safety, mail handling procedures and their response to violent intruders.

IMPEDING OR OBSTRUCTING MEMBERS OF DIVISION OF PROTECTIVE SERVICES

- Chapter 84, Public Acts 2025, adding T.C.A. § 39-16-505.
 - Effective July 1, 2025.
- Person protected means any person who has been authorized to be protected by the commissioner of safety to protect and is actively engaged in protecting under T.C.A. § 4-3-2006.
- “(b)(1) A person commits an offense who intentionally impedes or obstructs a member of the division of protective services from ingress to, egress from, or movement about a location where the member is responsible for a person protected by the division of protective services.
- (2) A person commits an offense who intentionally refuses to vacate an area where access has been restricted by a member of the division of protective services for the purpose of maintaining the safety or security of the person protected by the division of protective services.
- “(c)(1) (A) Except as provided in subdivision (c)(1)(B), a violation of subdivision (b)(1) is a Class A misdemeanor.
- “(c)(1)(B) A violation of subdivision (b)(1) is a Class E felony if the person who committed the offense was a threat to the safety or security of the person protected by the division of protective services.
- (2) A violation of subdivision (b)(2) is a Class E Felony.”

UNLAWFUL PHOTOGRAPHY

Chapter 474, Public Acts 2025, amending T.C.A. § 39-13-605

Effective July 1, 2025.

- Clarifies the Law and Enhances Penalty
 - (a) “(1) It is an offense for a person knowingly to photograph, or cause to be photographed, an individual, when the individual has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor’s parent or legal guardian, if the photograph:

T.C.A. § 39-13-605 Continued

- (A)(i) Would offend or embarrass an ordinary person if the person appeared in the photograph; and
 - (ii) Was taken for the purpose of sexual arousal or gratification of the defendant; or
- (B) Includes the unclothed intimate area of the individual or the individual engaged in sexual activity, as defined in § 39-17-1002, and the person knew that the photograph would include such content.

T.C.A. § 39-13-605 Continued

- “(2) It is an offense for a person knowingly to photograph, or cause to be photographed, an individual, when the individual has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor’s parent or legal guardian, if the photograph:
 - (A) Includes the unclothed intimate area of the individual and would be considered offensive or embarrassing by the individual;
 - (B) Was taken for the purpose of offending, intimidating, embarrassing, ridiculing or harassing the victim; and
 - (C) Was disseminated by the defendant, the defendant, threatened to disseminate the photograph, or the defendant permitted the dissemination of the photograph to another person.

T.C.A. § 39-13-605 Continued

- “(3)” It is an offense for a person knowingly to photograph, or cause to be photographed, an individual without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor’s parent or legal guardian, if the photograph:
 - (A) Is focused on the intimate area of the individual and would be considered offensive or embarrassing by the individual; and
 - (B) Was taken for the purpose of sexual arousal or gratification of the defendant.”

T.C.A. § 39-13-605 Continued (b)

- T.C.A. § 39-13-605(b)
 - “(2) As used in this section, an individual has a reasonable expectation, regardless of the location where a photograph is taken, if:
 - (A) The photograph is taken in a manner that would offend or embarrass a reasonable person; and
 - (B) The photograph depicts areas of the individual’s body, clothes or unclothed, that would not be visible to ordinary observation but for the offensive or embarrassing matter of photography.”

T.C.A. § 39-13-605(f) – Enhanced Penalties

- In addition to the punishment provided for a person who commits unlawful photography pursuant to subdivision (a)(1) or (a)(3), the trial judge SHALL order that the person be required to register as a sexual offender.
- Statute of Limitations is Tolloed until its discovered by Victim and is also a basis for Order of Protection.

Robbery – Now a Crime of Violence

- Chapter 211, Public Acts 2025, amending T.C.A. § 39-17-1301(3)
 - Effective July 1, 2025.
- “(3) ‘Crime of violence’ includes any degree of murder, voluntary manslaughter, aggravated rape, rape, rape of a child, aggravated rape of a child, aggravated sexual battery, robbery, aggravated robbery, especially aggravated robbery, burglary, aggravated burglary, especially aggravated burglary, aggravated assault, kidnapping, aggravated kidnapping, especially aggravated kidnapping, carjacking, trafficking for commercial sex act, especially aggravated sexual exploitation, felony child abuse, and aggravated child abuse”

ABORTION – Terminology Explained

- Chapter 217, Public Acts 2025, adding T.C.A. § 29-15-213 (a)(3) and (5) and renumbering. Effective April 17, 2025.
 - 39-15-213(a)
 - “(a)(3) ‘Inevitable abortion means dilation of the cervix prior to viability of the pregnancy, either by preterm labor or cervical insufficiency . . .
 - (5) ‘Serious risk of substantial and irreversible impairment of a major bodily function’:
 - (A) Means any medically diagnosed condition that so complicates the pregnancy of a woman as to directly or indirectly cause the substantial and irreversible impairment of a major bodily function;
 - (B) May include previsible preterm premature rupture of membranes; inevitable abortion; severe preeclampsia; mirror syndrome associated with fetal hydrops; and an infection that can result in uterine rupture or loss of fertility; and
 - (C) Does not include any condition related to the woman’s mental health.”

ABORTION – Punishment

- “(b) A person who performs or attempts to perform an abortion commits the offense of criminal abortion.
 - Criminal abortion is a Class C Felony
- “(c) (1) Notwithstanding subsection (b), a person who performs or attempts to perform an abortion does not commit the offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and the following conditions are met:
- (A) the physician determined, using reasonable medical judgement, based upon the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman; and
- (B) The physician performs or attempts to perform the abortion in the manner which, using reasonable medical judgement, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless using reasonable medical judgement, termination of the pregnancy in that manner would pose a greater risk of death to the pregnant woman or substantial and irreversible impairment of a major bodily function.

TOBACCO AND HEMP

- TCA § 39-17-1504(d) and 1507(b)
- Prior to sale, if the purchaser appears to be 50 years old or less, they must provide proof of age.
- If convicted – Class A misdemeanor and must serve 48 hours \$500 minimum fine.
- § 43-27-204(b) Hemp-derived cannabinoids must be inaccessible to all people under 21 (including employees)

PLACING A CHILD IN IMMINENT DANGER – FENTANYL AND ANALOGS

- Chapter 499, Public Acts 2025, adding T.C.A. § 29-15-401(d)(2)
 - Effective July 1, 2025.
 - “(2)(A) A person who knowingly, by act or omission, engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment commits a Class E felony, except that if the abused child is eight (8) years of age or less, the offense is a class B Felony.
 - (B) For purposes of the subdivision (d)(2), a person engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if the person unlawfully exposes the child to fentanyl, carfentanil, remifentanil, alfentanil, thiafentanil, or a fentanyl derivative or analogue, and an analysis of a specimen of the child’s blood, hair, fingernail, urine, or other bodily substance indicates the presence of fentanyl, carfentanil, remifentanil, alfentanil, thiafentanil, or a fentanyl derivative or analogue in the child’s body.”

ULAWFUL PROTESTS; INTIMIDATION

- Chapter 409, Public Acts 2025, adding T.C.A. §§ 39-17-309(b)(5)-(6)(d) and (f). Effective July 1, 2025.
 - A person commits the offense of intimidating others from exercising civil rights who ...
 - “(5) Litters or trespasses upon any real or personal property of another with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the state of Tennessee; or
 - “(6) Litters or trespasses upon any real or personal property of another with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the United States or the constitution of laws of the state of Tennessee.”

APPROACHING LAW ENFORCEMENT OFFICERS

- Chapter 409, Public Acts 2025, adding T.C.A § 39-16-612.
 - Effective July 1, 2025 B - Misdemeanor

“(a) A person commits an offense who intentionally approaches, within twenty-five feet (25’), a law enforcement officer after the officer has ordered the person to stop approaching or to retreat and the officer is lawfully engaged in the execution of official duties:

- (1) A lawful traffic stop;
- (2) An active investigation of the scene of an alleged crime; or
- (3) An ongoing and immediate threat to public safety.

“(b) It is an affirmative defense to a violation of subsection (a) that the lawful order was not received or understood by the person and was not capable of being received or understood under the conditions and circumstances that existed at the time of the issuance of the order.

HUMAN SMUGGLING

- Chapter 424 Public Acts 2025 adding T.C.A. § 39-17-118
 - Effective July 1, 2025.
- Smuggling - Must be for commercial advantage or private financial gain.
- Knowingly transports and with an intent to conceal an illegal immigrant or conceal or encourage to conceal, harbor, or shield from detection from law enforcement or federal immigration office.
- Class E Felony unless illegal immigrant is under 13 at any time during the course of conduct, then it is a Class A felony.
- It is not a violation if a licensed attorney provides them bona fide legal advice or to provide healthcare if licensed to provide healthcare.

FAKE VEHICLE FOR HIRE DRIVER

- Chapter 117, Public Acts 2025. T.C.A. § 7-51-1009 Effective July 1, 2025.
- Driver gives a false statement, uses false display, uses false logo, etc.
- Class B Misdemeanor

THE END

- Thank you for attending.
- Do yourself a favor and take an online micro-credentialing class in AI prompting or at the very least look for other online courses regarding prompting for AI. Makes a world of difference in the results you get.
- AI Lawyer, Alexi, SmartCounsel, Lexis, Clio, Pre/Dicta, Inkwise, CoCounsel etc.