



State of Tennessee

PUBLIC CHAPTER NO. 499

HOUSE BILL NO. 565

By Representatives Dunn, Sparks, Coley, Ogles, Doggett, Curcio, Parkinson, Lamberth, Towns, Griffey, Hazlewood, Haston, Thompson, Holsclaw, Whitson, Helton, Freeman, Hodges, Powell, Littleton, Gloria Johnson, Todd, Halford, Carter, Sherrell, Reedy, Ragan, White

Substituted for: Senate Bill No. 1252

By Senators Gresham, White, Massey, Akbari, Crowe, Gilmore, Niceley, Robinson, Rose, Briggs, Yager

AN ACT to amend Tennessee Code Annotated, Title 28; Title 37 and Title 40, relative to abuse against children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (b) and substituting instead the following:

(b) Notwithstanding § 28-3-104, a civil action for an injury or illness based on child sexual abuse that occurred when the injured person was a minor must be brought:

(1) For child sexual abuse that occurred before July 1, 2019, but was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person; or

(2) For child sexual abuse that occurred on or after July 1, 2019, within the later of:

(A) Fifteen (15) years from the date the person becomes eighteen (18) years of age; or

(B) If the injury or illness was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person.

SECTION 2. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (e) and substituting instead the following:

(e) If an action is brought against someone other than the alleged perpetrator of the child sexual abuse, and if the action is brought more than one (1) year from the date the injured person attains the age of majority, the injured person must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.

SECTION 3. Tennessee Code Annotated, Section 37-1-412, is amended by deleting the section and substituting instead the following:

(a)

(1) Any person who knowingly fails to make a report required by § 37-1-403 commits an offense.

(2)

(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

HB 565

(3) Any person who intentionally fails to make a report required by § 37-1-403 commits a Class E felony.

(b)

(1) A juvenile court having reasonable cause to believe that a person is guilty of violating this section may have the person brought before the court either by summons or by warrant. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury.

(2) If the defendant pleads guilty to a first offense under subdivision (a)(1) and waives, in writing, indictment, presentment, grand jury investigation, and trial by jury, the juvenile court judge shall sentence the defendant with a fine not to exceed two thousand five hundred dollars (\$2,500).

SECTION 4. Tennessee Code Annotated, Section 37-1-615, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) Any person required to report known or suspected child sexual abuse who knowingly fails to do so, or who knowingly prevents another person from doing so, commits an offense.

(2)

(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

(3) Any person required to report known or suspected child sexual abuse who intentionally fails to do so, or who intentionally prevents another person from doing so, commits a Class E felony.

SECTION 5. Tennessee Code Annotated, Section 40-2-101(h)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 6. Tennessee Code Annotated, Section 40-2-101(i)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 7. Tennessee Code Annotated, Section 40-2-101, is amended by deleting subdivision (l)(1) and substituting instead the following:

(1) Notwithstanding subsections (b), (g), (h), and (i) to the contrary, a person may be prosecuted, tried, and punished at any time after the commission of an offense if:

(A) The offense was one (1) of the following:

(i) Aggravated rape, as prohibited by § 39-13-502; or

(ii) Rape, as prohibited by § 39-13-503;

(B) The victim was an adult at the time of the offense;

(C) The victim notifies law enforcement or the office of the district attorney general of the offense within three (3) years of the offense; and

(D) The offense is committed:

(i) On or after July 1, 2014; or

(ii) Prior to July 1, 2014, unless prosecution for the offense is barred because the applicable time limitation set out in this section for prosecution of the offense expired prior to July 1, 2014.

HB 565

SECTION 8. Tennessee Code Annotated, Section 40-2-101, is further amended by adding the following new subsection:

(o)

(1) Notwithstanding subsections (b), (g), (h), (i), (j), (k), or (m), prosecution for the following offenses, when committed against a minor under eighteen (18) years of age shall commence as provided by this subsection (o):

(A) Trafficking for a commercial sex act, as prohibited by § 39-13-309;

(B) Aggravated rape, as prohibited by § 39-13-502;

(C) Rape, as prohibited by § 39-13-503;

(D) Aggravated sexual battery, as prohibited by § 39-13-504;

(E) Sexual battery, as prohibited by § 39-13-505;

(F) Mitigated statutory rape, as prohibited by § 39-13-506;

(G) Statutory rape, as prohibited by § 39-13-506;

(H) Aggravated statutory rape, as prohibited by § 39-13-506(c);

(I) Indecent exposure, as prohibited by § 39-13-511, when the offense is classified as a felony offense;

(J) Patronizing prostitution, as prohibited by § 39-13-514;

(K) Promotion of prostitution, as prohibited by § 39-13-515;

(L) Continuous sexual abuse of a child, as prohibited by § 39-13-518;

(M) Rape of a child, as prohibited by § 39-13-522;

(N) Sexual battery by an authority figure, as prohibited by § 39-13-527;

(O) Solicitation of a minor, as prohibited by § 39-13-528, when the offense is classified as a felony offense;

(P) Soliciting sexual exploitation of a minor - exploitation of a minor by electronic means, as prohibited by § 39-13-529;

(Q) Aggravated rape of a child, as prohibited by § 39-13-531;

(R) Statutory rape by an authority figure, as prohibited by § 39-13-532;

(S) Unlawful photographing, as prohibited by § 39-13-605, when the offense is classified as a felony offense;

(T) Observation without consent, as prohibited by § 39-13-607, when the offense is classified as a felony offense;

(U) Incest, as prohibited by § 39-15-302;

(V) Sexual exploitation of a minor, as prohibited by § 39-17-1003;

(W) Aggravated sexual exploitation of a minor, as prohibited by § 39-17-1004; or

(X) Especially aggravated sexual exploitation of a minor, as prohibited by § 39-17-1005.

(2) A person may be prosecuted, tried, and punished for an offense listed in subdivision (o)(1) at any time after the commission of an offense if:

(A) The victim was under thirteen (13) years of age at the time of the offense; or

(B)

(i) The victim was at least thirteen (13) years of age but no more than seventeen (17) years of age at the time of the offense; and

(ii) The victim reported the offense to another person prior to the victim attaining twenty-three (23) years of age.

(3)

(A) Except as provided in subdivision (o)(3)(B), a person may be prosecuted, tried, and punished for an offense listed in subdivision (o)(1) at any time after the commission of an offense if:

(i) The victim was at least thirteen (13) years of age but no more than seventeen (17) years of age at the time of the offense; and

(ii) The victim did not meet the reporting requirements of subdivision (o)(3)(B)(ii).

(B) In order to commence prosecution for an offense listed in subdivision (o)(1) under the circumstances described in subdivision (o)(3)(A), at a date that is more than twenty-five (25) years from the date the victim becomes eighteen (18) years of age, the prosecution is required to offer admissible and credible evidence corroborating the allegations or similar acts by the defendant.

(4) This subsection (o) applies to offenses:

(A) Committed on or after July 1, 2019; or

(B) Committed prior to July 1, 2019, unless prosecution for the offense is barred because the applicable time limitation set out in this section for prosecution of the offense expired prior to July 1, 2019.

SECTION 9. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 10. This act shall take effect July 1, 2019, the public welfare requiring it.

HOUSE BILL NO. 565

PASSED: May 2, 2019


GLEN CASADA, SPEAKER
HOUSE OF REPRESENTATIVES


RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 24th day of May 2019


BILL LEE, GOVERNOR