



State of Tennessee

PUBLIC CHAPTER NO. 115

SENATE BILL NO. 188

By Bowling, Gilmore

Substituted for: House Bill No. 17

By Lamar, Hardaway, Potts, Ogles, Curcio, Travis, Love, Baum, Chism, Farmer, Whitson, Hodges, Moon, Helton, Mannis, Beck, Parkinson, Harris, Towns, Dixie, Camper, McKenzie, Stewart, Freeman, Miller, Ramsey, Hakeem

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 6, relative to justifications excluding criminal responsibility.

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

SECTION 1. Tennessee Code Annotated, Section 39-11-611(b), is amended by adding the following language as a new subdivision:

(3) For purposes of this subsection (b), a person is not engaged in conduct that would constitute a felony or Class A misdemeanor or in a place where the person does not have a right to be if the person is engaged in the activity or in the place due to the person's status as a victim of human trafficking. The person must prove the person's status as a victim of human trafficking by clear and convincing evidence. The person may provide clear and convincing evidence of the person's status as a victim of human trafficking through testimony.

SECTION 2. Tennessee Code Annotated, Section 39-11-611, is amended by deleting subdivision (d)(3) and substituting instead the following:

(3)(A) Notwithstanding § 39-17-1322, the person using force is engaged in conduct that would constitute a felony or Class A misdemeanor or is using the dwelling, business, residence, or occupied vehicle to further an unlawful activity;

(B) For purposes of subdivision (d)(3)(A), a person is not engaged in conduct that would constitute a felony or Class A misdemeanor or using a dwelling, business, residence, or occupied vehicle to further unlawful activity if the person is engaged in the activity or using the dwelling, business, residence, or occupied vehicle due to the person's status as a victim of human trafficking. The person must prove the person's status as a victim of human trafficking by clear and convincing evidence. The person may provide clear and convincing evidence of the person's status as a victim of human trafficking through testimony; or

SECTION 3. Tennessee Code Annotated, Section 39-11-611(b), is amended by deleting the language "not engaged in unlawful activity" wherever it appears and substituting the language "not engaged in conduct that would constitute a felony or Class A misdemeanor".

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.


SENATE BILL NO. 188

PASSED: March 29, 2021


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of April 2021


BILL LEE, GOVERNOR