

HOUSE BILL 1100

By Buck

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 10, to enact the "Tennessee Anti-Child Sexual Servitude and Trafficking Act of 2007".

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

SECTION 1. This act shall be known and may be cited as the "Tennessee Anti-Child Sexual Servitude and Trafficking Act of 2007".

SECTION 2. Tennessee Code Annotated, Section 39-17-1002, is amended by deleting from the beginning of the section the language "The following definitions apply in §§ 39-17-1002—39-17-1007, unless the context otherwise requires:" and substituting instead the language "As used in this part, unless the context otherwise requires:".

SECTION 3. Tennessee Code Annotated, Section 39-17-1002, is further amended by adding the following new item:

( ) "Commercial sexual activity" means any sexual activity under item (8) of this section, sexual conduct under § 39-17-901(14) or the production of obscene material under § 39-17-902, for which anything of value is given, promised to, or received by any person.

SECTION 4. Tennessee Code Annotated, Title 39, Chapter 17, Part 10, is amended by adding the following as a new section:

§ 39-17-1009.

(a) A person commits the offense of sexual servitude of a minor who knowingly recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in some form of commercial

sexual activity, or cause or attempt to cause a minor to engage in commercial sexual activity.

(b) Nothing in this section shall preclude the prosecution of a person committing sexual servitude of a minor from any other applicable statute in addition to this section.

(c)

(1) Sexual servitude of a minor is a Class D felony if the victim is thirteen (13) years of age or older but less than eighteen (18) years of age and the defendant does not use overt force or threats to commit the offense .

(2) Sexual servitude of a minor is a Class D felony sentenced from within Range II if the victim is thirteen (13) years of age or older but less than eighteen (18) years of age and the defendant uses overt force or threats to commit the offense .

(3) Sexual servitude of a minor is a Class C felony if the victim is less than thirteen (13) years of age and the defendant does not use overt force or threats to commit the offense.

(4) Sexual servitude of a minor is a Class B felony if the victim is less than thirteen (13) years of age and the defendant uses overt force or threats to commit the offense.

SECTION 5. This act shall take effect July 1, 2007, the public welfare requiring it.