

HOUSE BILL 2493

By Coley

AN ACT amend Tennessee Code Annotated, relative to commercial sex acts.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-301, is amended by adding the following as a new, appropriately designated subdivision:

() "Commercial sex act" means any sexual act for which something of value is given or received;

SECTION 2. Tennessee Code Annotated, Section 39-13-309, is amended by deleting the section in its entirety and by substituting instead the following:

39-13-309.

(a) A person commits the offense of trafficking a person for a commercial sex act who:

(1) Knowingly subjects, attempts to subject, benefits from or attempts to benefit from another person's provision of a commercial sex act; or

(2) Recruits, entices, harbors, transports, provides, or obtains by any other means, another person for the purpose of providing a commercial sex act.

(b) For purposes of subdivision (a)(2), such means may include, but are not limited to:

(1) Causing or threatening to cause physical harm to the person;

(2) Physically restraining or threatening to physically restrain the person;

(3) Abusing or threatening to abuse the law or legal process;

(4) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(5) Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person; or

(6) Facilitating or controlling a person's access to a controlled substance.

(c) A violation of subsection (a) is a Class B felony, except where the victim of the offense is a child between thirteen (13) and fifteen (15) years of age, the offense is a Class A felony.

SECTION 3. Tennessee Code Annotated, Section 40-39-202, is amended in subdivision (20)(A) by adding the following as a new, appropriately designated subdivision:

(xviii) Trafficking a person for a commercial sex act, under § 39-13-309; or

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.