

Amendment No. 1 to HB0565

Curcio
Signature of Sponsor

AMEND Senate Bill No. 1252

House Bill No. 565*

by deleting all language after the enacting clause and substituting instead the following:

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 becomes eighteen (18) years of age, the injured person must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.

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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.

(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 subsection (l) and substituting instead the following:

(l)

(1) Notwithstanding subsections (b), (g), (h), and (i) to the contrary, unless prosecution of the offense is barred because the applicable limitation of time otherwise established in this section for prosecution of the offense expired prior to July 1, 2014, the following offenses may be prosecuted, tried, and punished at any time after commission of the following offenses:

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

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

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

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

(2) For subdivision (l)(1) to apply, within three (3) years of the date the offense was committed, the victim or, in the case of a minor victim, the victim's parent or legal guardian, must report the offense to a law enforcement agency or an office of the district attorney general.

(3) If the victim of a crime listed in subdivision (l)(1) was a minor and subdivision (l)(1) does not apply because the reporting requirement in subdivision (l)(2) was not timely satisfied, prosecution must be commenced pursuant to subsection (h) or (i), or subsections (o) and (p).

(4) If the victim of a crime listed in subdivision (l)(1) was an adult and the statute of limitation in subdivision (l)(1) does not apply because the reporting requirement in subdivision (l)(2) was not timely satisfied, prosecution must be commenced as otherwise provided by this section.

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

(o) Notwithstanding subsection (b), (g), (h), (i), (j), (k), and (l), a person may be prosecuted, tried, and punished at any time after the commission of an offense if:

(1) The offense was committed on or after July 1, 2019;

(2) The offense was committed against a child less than eighteen (18) years of age; and

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

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

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

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

(H) Solicitation of a minor, as prohibited by § 39-13-528, when the offense solicited is listed in this subdivision (o)(3);

(I) Soliciting sexual exploitation of a minor - exploitation of a minor by electronic means, as prohibited by § 39-13-529(b), where the minor is less than thirteen (13) years of age, or § 39-13-529(a);

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

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

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

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

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

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

(p)

(1) In order to commence prosecution for an offense listed in subdivision (o)(3) 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 charges.

(2) If prosecution for an offense listed in subdivision (o)(3) may be commenced under subsection (I), admissible and credible evidence corroborating the charge is not required.

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