

HOUSE BILL 565

By Dunn

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) Thirty (30) 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).

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, 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.

SECTION 6. 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), 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) Trafficking for a commercial sex act, as prohibited by § 39-13-309;
- (ii) Aggravated rape, as prohibited by § 39-13-502;
- (iii) Rape, as prohibited by § 39-13-503;
- (iv) Aggravated sexual battery, as prohibited by § 39-13-504;
- (v) Sexual battery, as prohibited by § 39-13-505;
- (vi) Mitigated statutory rape, as prohibited by § 39-13-506;
- (vii) Statutory rape, as prohibited by § 39-13-506;
- (viii) Aggravated statutory rape, as prohibited by § 39-13-506(c);
- (ix) Indecent exposure, as prohibited by § 39-13-511, when the offense is classified as a felony offense;
- (x) Patronizing prostitution, as prohibited by § 39-13-514;
- (xi) Promotion of prostitution, as prohibited by § 39-13-515;
- (xii) Continuous sexual abuse of a child, as prohibited by § 39-13-518;
- (xiii) Rape of a child, as prohibited by § 39-13-522;
- (xiv) Sexual battery by an authority figure, as prohibited by § 39-13-527;
- (xv) Solicitation of a minor, as prohibited by § 39-13-528, when the offense is classified as a felony offense;
- (xvi) Soliciting sexual exploitation of a minor - exploitation of a minor by electronic means, as prohibited by § 39-13-529;
- (xvii) Aggravated rape of a child, as prohibited by § 39-13-531;
- (xviii) Statutory rape by an authority figure, as prohibited by § 39-13-532;

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

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

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

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

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

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

(B) The victim was a minor at the time of the offense; and

(C) The offense is committed:

(i) On or after July 1, 2019; or

(ii) 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 7. 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 8. This act shall take effect July 1, 2019, the public welfare requiring it.