

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2308 - HB 2615**

February 17, 2018

**SUMMARY OF BILL:** Applies Rule 412 of the Tennessee Rules of Evidence, the rape shield law, to the offenses of trafficking a person for a commercial sex act, aggravated rape of a child, statutory rape by an authority figure, and promoting travel for prostitution.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Rule 404(a)(2) of the Tennessee Rules of Evidence provides that evidence of a victim's character or trait of character may be admitted in a criminal case if offered to rebut the same. The defendant may introduce evidence concerning the character of the victim. This was common in rape cases where consent was a defense asserted by the defendant.
- The rape shield law, now in Rule 412, generally prohibits reputation or opinion evidence of the victim's sexual behavior from being admitted, but can be admitted if the judge determines that the probative value of the evidence outweighs its unfair prejudice to the victim.
- The proposed legislation would apply Rule 412 in cases involving trafficking a person for a commercial sex act, aggravated rape of a child, statutory rape by an authority figure, and promoting travel for prostitution.
- Because a defendant generally would not assert a defense of consent or provide evidence on the victim's sexual behavior, the proposed legislation will not significantly impact the outcome of criminal prosecutions.
- The proposed legislation will not impact state or local incarceration costs.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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