

HOUSE BILL 328

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 4, Part 2; Title 24, Chapter 7, Part 1; Title 37, Chapter 1 and Title 40, Chapter 17, relative to the trial of sexual abuse crimes committed against children.

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by adding the following as a new section:

(a)

(1) Notwithstanding the provisions of any rule or statute to the contrary, in any criminal proceeding in which the victim is less than thirteen (13) years of age at the time the offense occurred and the defendant is charged with any of the sex offenses listed in subsection (b) of this section, or any attempt, solicitation or conspiracy to commit any of the offenses listed in subsection (b) of this section, the testimony of a forensic interviewer who has interviewed the victim is admissible and may be considered for its bearing on any matter to which it is relevant, subject to the provisions of Rule 403 of the Tennessee Rules of Evidence.

(2) The provisions of subsection (a)(1) shall only apply if the victim has previously testified at trial or is unavailable to testify at trial.

(b) The provisions of this section shall only apply in criminal cases where the defendant is charged with:

- (1) Aggravated sexual battery under § 39-13-504;
- (2) Sexual battery under § 39-13-505;

- (3) Rape of a child under § 39-13-522;
- (4) Sexual battery by an authority figure under § 39-13-527;
- (5) Soliciting sexual exploitation of a minor under § 39-13-529;
- (6) Aggravated rape of a child under § 39-13-531; or
- (7) Incest under § 39-15-302.

(c) For purposes of this section, “forensic interviewer” means a person who at the time the interview was conducted:

- (1) Was employed by a child advocacy center that meets the requirements of § 9-4-213(a) or (b);
- (2) Had obtained a relevant educational or experiential background, preferably a college degree, or work experience in a field related to sociology, social work, education, criminal justice, nursing, psychology, counseling, or a similarly applied human services specialty;
- (3) Had completed a minimum of twenty-five (25) hours of clinical training in interviewing traumatized children;
- (4) Had completed a minimum of eight (8) hours of interviewing under the supervision of a qualified forensic interviewer of children;
- (5) Had demonstrated knowledge of investigations of child sexual abuse, as well as knowledge of child development through coursework, professional training or experience; and
- (6) Had maintained membership in appropriate national professional organizations that report research findings and offer opportunities for other continuing education for the enhancement of its members’ knowledge and specialization.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.