

HOUSE BILL 723

By Coley

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 13, relative to criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-309(a), is amended by deleting the subsection and substituting instead the following:

(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;
- (2) Recruits, entices, harbors, transports, provides, purchases, or obtains by any other means, another person for the purpose of providing a commercial sex act; or
- (3) Commits the acts in this subsection (a) when the intended victim of the offense is a law enforcement officer or a law enforcement officer eighteen (18) years of age or older posing as a minor.

SECTION 2. Tennessee Code Annotated, Section 39-13-309(d), is amended by deleting the subsection and substituting instead the following:

- (d) It is not a defense to a violation of this section that:
- (1) The intended victim of the offense is a law enforcement officer;
  - (2) The victim of the offense is a minor who consented to the act or acts constituting the offense; or

(3) The solicitation was unsuccessful, the conduct solicited was not engaged in, or the law enforcement officer could not engage in the solicited offense.

SECTION 3. Tennessee Code Annotated, Section 39-13-514(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) A person commits an offense under this section:

(1) Who patronizes prostitution; or

(2) When a person patronizes prostitution where the subject of the offense is a law enforcement officer or a law enforcement officer eighteen (18) years of age or older posing as a minor.

SECTION 4. Tennessee Code Annotated, Section 39-13-514(d), is amended by deleting the subsection and substituting instead the following:

(d) It is not a defense to a violation of this section that:

(1) The subject of the offense is a law enforcement officer;

(2) The victim of the offense is a minor and consented to the offense; or

(3) The solicitation was unsuccessful, the conduct solicited was not engaged in, or the law enforcement officer could not engage in the solicited offense.

SECTION 5. Tennessee Code Annotated, Section 39-13-515(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) A person commits an offense under this section:

(1) Who promotes prostitution; or

(2) Who promotes prostitution where the subject of the offense is a law enforcement officer or is a law enforcement officer eighteen (18) years of age or older posing as a minor.

SECTION 6. Tennessee Code Annotated, Section 39-13-515(d), is amended by deleting the subsection and substituting instead the following:

(d) It is not a defense to a violation of this section that:

(1) The subject of the offense is a law enforcement officer;

(2) The victim of the offense is a minor and consented to the offense; or

(3) The solicitation was unsuccessful, the conduct solicited was not engaged in, or a law enforcement officer could not engage in the solicited offense.

SECTION 7. This act shall take effect July 1, 2019, the public welfare requiring it.