

HOUSE BILL 1140

By Miller

AN ACT to amend Tennessee Code Annotated, Title 24;
Title 37; Title 39 and Title 63, relative to human
trafficking.

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

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Anti-human trafficking organization" means a registered public or
private agency that offers assistance to victims of a human trafficking offense;

(2) "Human trafficking offense" means the same as defined in § 39-13-
314;

(3) "Human trafficking victim" means a person who is the victim of a
human trafficking offense;

(4) "Human trafficking victim advocate" means an employee of an anti-
human trafficking organization, the primary purpose of which is to provide advice,
counseling, or services to human trafficking victims and which complies with the
training requirements under subsection (e); and

(5) "Trained volunteer" means a person who volunteers with an anti-
human trafficking organization and who complies with the training requirements
under subsection (e).

(b) A communication between a human trafficking victim advocate or trained
volunteer and a human trafficking victim is confidential if it is not intended to be disclosed
to third persons other than:

(1) Those persons present to further the interest of the human trafficking victim in the consultation, examination, or interview;

(2) Those persons necessary for the transmission of the communication;
and

(3) Those persons to whom disclosure is reasonably necessary to accomplish the purposes for which the human trafficking victim advocate or trained volunteer is consulted.

(c) A human trafficking victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the human trafficking victim to a human trafficking victim advocate or trained volunteer or a record made by a human trafficking victim advocate or trained volunteer in the course of advising, counseling, or providing services to the human trafficking victim. A confidential communication or record may be disclosed only with the prior written consent of the human trafficking victim. This privilege includes any advice given by the human trafficking victim advocate or trained volunteer to the human trafficking victim in the course of that relationship.

(d) The privilege may be claimed by:

(1) The human trafficking victim or the human trafficking victim's attorney on the victim's behalf;

(2) The guardian or conservator of the human trafficking victim;

(3) The personal representative of a deceased human trafficking victim;

(4) The human trafficking victim advocate or trained volunteer, but only on behalf of the human trafficking victim. The authority of a human trafficking victim advocate or trained volunteer to claim the privilege is presumed in the absence of evidence to the contrary.

(e) In order to be subject to the privilege provided by this section, a human trafficking victim advocate or a trained volunteer must:

(1) Complete twenty-four (24) hours of human trafficking training delivered by the Tennessee bureau of investigation; and

(2) Within three (3) years after completing the training required under subdivision (e)(1), complete an eight-hour human trafficking update course.

(f) The privilege established by this section does not apply in an action brought by the human trafficking victim against the anti-human trafficking organization or the organization's employees or volunteers.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following as a new section:

For each instance of a human trafficking offense, a separate crime is committed and a separate punishment is authorized. The general assembly encourages each district attorney general to adopt a pro-prosecution policy for human trafficking offenses. After consulting the victim, or making a good faith attempt to consult the victim, a district attorney general shall determine the appropriate criminal charges, if any, even in circumstances when there is no cooperation from a victim or over the objection of the victim, if necessary.

SECTION 3. Tennessee Code Annotated, Section 37-1-126, is amended by adding the following new subsection:

(d) A child is entitled to a guardian ad litem, at no cost to the child or the child's parents, for any delinquency, unruly, or dependency and neglect proceeding following a determination by the court that the child may be the victim of a human trafficking offense, as defined in § 39-13-314.

SECTION 4. Tennessee Code Annotated, Section 63-7-114, is amended by adding the following new subsection:

(g) On or after January 1, 2024, all nurses are required to complete a minimum of two (2) hours of continuing education on human trafficking prior to renewal of the nurses' licensure registrations. The continuing education course must consist of data and information on the types of human trafficking, such as labor and sex, and the extent of human trafficking; factors that place a person at greater risk of being a victim of human trafficking; public and private social services available for rescue, food, clothing, and shelter referrals; hotlines for reporting human trafficking which are maintained by the National Human Trafficking Resource Center and the United States Department of Homeland Security; validated assessment tools for identifying a human trafficking victim and general indicators that a person may be a victim of human trafficking; procedures for sharing information related to human trafficking with a patient; and referral options for legal and social services. The board of nursing must include on the application for renewal of licensure registration a place to provide information on completion of continuing education. The board of nursing shall not issue a renewal of licensure registration if the applicant has not completed the continuing education required by this subsection (g).

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.