

HOUSE BILL 2399

By Littleton

AN ACT to amend Tennessee Code Annotated, Section 39-13-532, relative to statutory rape by an authority figure.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-532, is amended by deleting the section in its entirety and replacing it with the following:

(a) Statutory rape by an authority figure is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and:

(1) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the sexual penetration; or

(2) The defendant had, at the time of the offense, parental or custodial authority over the victim by virtue of the defendant's legal, professional, or occupational status and used the position to accomplish the sexual penetration.

(b)

(1) Statutory rape by an authority figure is a Class B felony when the defendant is at least four (4) years older than the victim;

(2) Statutory rape by an authority figure is a Class C felony when the defendant is less than four (4) years older than the victim.

(c) No person who is found guilty of or pleads guilty to the offense shall be eligible for probation pursuant to § 40-35-303 or judicial diversion pursuant to § 40-35-313.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.