

SENATE BILL 169

By Robinson

AN ACT to amend Tennessee Code Annotated, Title 28;
Title 39 and Title 40, relative to statutes of
limitation for certain acts involving children.

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

SECTION 1. Tennessee Code Annotated, Section 28-3-116, is amended by deleting the section and substituting instead the following:

(a) As used in this section:

(1) "Child sexual abuse" means any act set out in § 37-1-602(a)(3) that occurred when the victim was a minor; and

(2) "Injury or illness" means either a physical injury or illness or a psychological injury or illness.

(b) Notwithstanding § 28-3-104, a civil action for an injury or illness based on child sexual abuse that occurred when the injured person was a minor may be brought at any time.

SECTION 2. Tennessee Code Annotated, Section 40-2-101, is amended by adding the following new subsection (o):

(1) Notwithstanding subsections (b), (g), (h), (i), (j), (k), (l), or (m):

(A) A person may be prosecuted, tried, and punished for an offense listed in subdivision (o)(2) no later than twenty-five (25) years from the date the child becomes eighteen (18) years of age, if:

(i) The offense was committed on or after July 1, 1997, but prior to July 1, 2006, and prosecution for the offense is not barred because the

applicable time limitation set out in this section for prosecution of the offense expired prior to July 1, 2019; and

(ii) The victim of the offense was a minor; and

(B) A person may be prosecuted, tried, and punished for an offense listed in subdivision (o)(2) at any time after the commission of the offense, if:

(i) The offense was committed on or after July 1, 2019; and

(ii) The victim of the offense was a minor.

(2) The statutes of limitation in this subsection (o) apply to the following offenses:

(A) Trafficking for a commercial sex act, as prohibited by § 39-13-309;

(B) Aggravated rape, as prohibited by § 39-13-502;

(C) Rape, as prohibited by § 39-13-503;

(D) Aggravated sexual battery, as prohibited by § 39-13-504;

(E) Sexual battery, as prohibited by § 39-13-505;

(F) Mitigated statutory rape, as prohibited by § 39-13-506;

(G) Statutory rape, as prohibited by § 39-13-506;

(H) Aggravated statutory rape, as prohibited by § 39-13-506(c);

(I) Indecent exposure, as prohibited by § 39-13-511, when the offense is classified as a felony offense;

(J) Patronizing prostitution, as prohibited by § 39-13-514;

(K) Promotion of prostitution, as prohibited by § 39-13-515;

(L) Continuous sexual abuse of a child, as prohibited by § 39-13-518;

(M) Rape of a child, as prohibited by § 39-13-522;

(N) Sexual battery by an authority figure, as prohibited by § 39-13-527;

(O) Solicitation of a minor, as prohibited by § 39-13-528, when the offense is classified as a felony offense;

(P) Soliciting sexual exploitation of a minor — exploitation of a minor by electronic means, as prohibited by § 39-13-529;

- (Q) Aggravated rape of a child, as prohibited by § 39-13-531;
- (R) Statutory rape by an authority figure, as prohibited by § 39-13-532;
- (S) Unlawful photographing, as prohibited by § 39-13-605, when the offense is classified as a felony offense;
- (T) Observation without consent, as prohibited by § 39-13-607, when the offense is classified as a felony offense;
- (U) Incest, as prohibited by § 39-15-302;
- (V) Use of a minor in producing obscene material or exhibition, as prohibited by § 39-17-902;
- (W) Sexual exploitation of a minor, as prohibited by § 39-17-1003;
- (X) Aggravated sexual exploitation of a minor, as prohibited by § 39-17-1004; or
- (Y) Especially aggravated sexual exploitation of a minor, as prohibited by § 39-17-1005.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.