

SENATE BILL 1802

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 6 and Title 38, Chapter 6, relative to criminal offenses.

WHEREAS, the General Assembly finds and declares that:

(1) An effective means of protecting the public is a concentrated effort to identify and prosecute those who promote or facilitate commercial sex acts and to treat victims of human trafficking with dignity and compassion; and

(2) Human trafficking impacts the most vulnerable and underserved populations, and victims are often men, women, and children who have a history of child abuse or domestic violence; and

(3) Human trafficking is often perpetrated by family members, peers, and organized criminal gangs; and

(4) Today, there are over forty million victims of human trafficking worldwide, and many victims do not identify themselves as victims; and

(5) Human trafficking schemes have become increasingly sophisticated and require significant time and resources to effectively investigate and prosecute; and

(6) Human trafficking schemes conduct criminal activity across jurisdictional borders within this state; and

(7) Despite the hard work and determination of both state and local officials, human trafficking reports have increased dramatically in recent years; and

(8) The best way to achieve the greatest impact of punishing and deterring human trafficking is to empower the attorney general and reporter to conduct multi-jurisdictional investigations and prosecutions; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) The attorney general and reporter has the authority to investigate human trafficking offenses, as defined in § 39-13-314, organized crime offenses, under title 39, chapter 12, part 1, and any criminal act which arises out of, is related to, or affects an investigation, prosecution, or other proceeding which the attorney general and reporter is authorized to conduct under this section.

(b) The attorney general and reporter is authorized to prosecute a criminal offense listed in subsection (a) if the attorney general and reporter seeks written consent from a district attorney general to conduct the criminal proceedings, including grand jury proceedings, which the district attorney general is authorized by law to conduct in that district. If the district attorney general denies or otherwise does not consent to the attorney general and reporter conducting the criminal proceedings, then the district attorney general must certify in writing to the attorney general and reporter the reasons for denying or otherwise not consenting to authorize the attorney general and reporter conducting the criminal proceedings. If a district attorney general does not respond to the attorney general and reporter within twenty-one (21) days, then the district attorney general is deemed to have granted consent to the attorney general and reporter.

(c) If the district attorney general denies consent to the attorney general and reporter pursuant to subsection (b), then the attorney general and reporter may petition the supreme court to appoint the attorney general and reporter, or an assistant attorney general, as a district attorney general pro tempore for the sole purpose of prosecuting persons accused of committing an offense listed in subsection (a).

(d) If the attorney general and reporter initiates an investigation or conducts criminal proceedings under this section, then the attorney general and reporter is authorized to request the director of the Tennessee bureau of investigation to furnish any assistance that may be required by the attorney general and reporter in the performance of the duties under this section. The Tennessee bureau of investigation is authorized to provide such assistance as the attorney general and reporter may request under this section.

(e) If the attorney general and reporter initiates a criminal prosecution under this section, then the attorney general and reporter, or a deputy or assistant attorney general, has the authority to exercise all of the powers and to perform all of the duties before a court or grand jury with respect to the prosecution that the appropriate district attorney general would otherwise be authorized or required by law to exercise or perform.

(f) If the attorney general and reporter initiates a criminal prosecution under this section, then the appropriate district attorney general must fully cooperate with the attorney general and reporter and participate in the prosecution to the extent requested or approved by the attorney general and reporter.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.