

HOUSE BILL 399

By Littleton

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 39, Chapter 15, relative to sexual offenses against children.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-522, is amended by deleting subsection (a) and substituting:

(a) Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is more than twelve (12) years of age but less than eighteen (18) years of age.

SECTION 2. Tennessee Code Annotated, Section 39-13-531, is amended by deleting subsection (a) and substituting:

(a) Aggravated rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is twelve (12) years of age or less.

SECTION 3. Tennessee Code Annotated, Section 39-15-302, is amended by deleting subsection (b) and substituting:

(b)

(1) Except as provided in subdivision (b)(2), incest is a Class C felony.

(2) Incest is a Class A felony if the offense was committed against a child under eighteen (18) years of age and shall be punished as follows:

(A) If the defendant was a juvenile at the time of the commission of the offense, then the sentence must be from within Range III, as set forth in title 40, chapter 35; and

(B) If the defendant was an adult at the time of the commission of the offense, then the sentencing provisions of title 40, chapter 35, apply except:

(i) A sentencing hearing shall not be conducted as required by § 40-35-209; and

(ii) After a defendant is found guilty of incest involving another party under eighteen (18) years of age, the judge shall sentence the defendant to imprisonment for life without the possibility of parole.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.