

HOUSE BILL 1416

By Curcio

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 39; Title 40 and Title 71, relative to human
trafficking.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-309(c), is amended by deleting the language "child under fifteen (15) years of age" and substituting instead "minor".

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i), is amended by redesignating the current subdivision (i)(3) as (i)(5) and inserting the following new subdivisions (i)(3) and (4):

(3) There shall be no release eligibility for a person committing a human trafficking offense, defined in § 39-13-314 as the commission of any act that constitutes the criminal offense of involuntary labor servitude under § 39-13-307; trafficking persons for forced labor or services under § 39-13-308; trafficking for commercial sex act under § 39-13-309; or promoting the prostitution of a minor under § 39-13-512, on or after July 1, 2021. The person shall serve one hundred percent (100%) of the sentence imposed by the court less sentence credits earned and retained. However, sentence reduction credits authorized by § 41-21-236 or any other provision of law shall not operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

(4) There shall be no release eligibility for a person committing an aggravated human trafficking offense, defined in Section 3 as the commission of any act that constitutes the criminal offense of involuntary labor servitude under § 39-13-307; trafficking persons for forced labor or services under § 39-13-308; trafficking for commercial sex act under § 39-13-309; or promoting the prostitution of a minor under §

39-13-512, if the victim of the criminal offense is under thirteen (13) years of age, on or after July 1, 2021. The person shall serve the entire sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. A person convicted of a violation of Section 3 is permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

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

(a) Aggravated human trafficking is the commission of an act that constitutes any of the following criminal offenses, if the victim of the criminal offense is under thirteen (13) years of age:

- (1) Involuntary labor servitude, under § 39-13-307;
- (2) Trafficking persons for forced labor or services, under § 39-13-308;
- (3) Trafficking for commercial sex act, under § 39-13-309; or
- (4) Promoting the prostitution of a minor, under § 39-13-512.

(b)

(1) Aggravated human trafficking is a Class A felony.

(2) Notwithstanding title 40, chapter 35, a person convicted of a violation of this section shall be punished as a Range II offender; however, the sentence imposed upon the person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

(c) Title 40, chapter 35, part 5, regarding release eligibility status and parole, does not apply to or authorize the release of a person convicted of a violation of this section prior to service of the entire sentence imposed by the court.

(d) Nothing in title 41, chapter 1, part 5, gives either the governor or the board of parole the authority to release or cause the release of a person convicted of a violation of this section prior to the service of the entire sentence imposed by the court.

SECTION 4. This act shall take effect July 1, 2021, the public welfare requiring it, and shall apply to all offenses committed on or after that date.