



# State of Tennessee

## PUBLIC CHAPTER NO. 1089

### SENATE BILL NO. 1378

By Bell, Bailey, Bowling, Crowe, Jackson, Stevens, White

Substituted for: House Bill No. 1416

By Curcio, Sherrell, White, Whitson, Ogles, Ragan, Alexander, Todd, Terry, Littleton, Jernigan

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, Title 39, Chapter 13, Part 3, is amended by adding the following language as a new section:

#### **39-13-316. Aggravated human trafficking.**

(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;
- (4) Patronizing prostitution, under § 39-13-514; or
- (5) Promoting prostitution, under § 39-13-515.

(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.

(3) Section 39-13-525(a) does not apply to a person sentenced for a violation of this section under subdivision (a)(3), (a)(4), or (a)(5).

(4) Notwithstanding another law to the contrary, the board of parole may require, as a mandatory condition of supervision for a person convicted of a violation of this section under subdivision (a)(3), (a)(4), or (a)(5), that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of supervision consistent with the requirements of § 40-39-302.

(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) Title 41, chapter 1, part 5, does not give 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 2. Tennessee Code Annotated, Section 39-13-307, is amended by deleting subsection (d) and substituting:

(1) Involuntary servitude is a Class C felony.

(2) Involuntary servitude is a Class B felony if:

(A) The violation resulted in the serious bodily injury or death of a victim;

(B) The period of time during which the victim was held in servitude exceeded one (1) year; or

(C) The defendant held ten (10) or more victims in servitude at any time during the course of the defendant's criminal episode.

(3) Involuntary servitude is a Class A felony if the victim was more than twelve (12) years of age but less than eighteen (18) years of age.

SECTION 3. Tennessee Code Annotated, Section 39-13-308, is amended by deleting subsection (c) and substituting:

(1) Trafficking for forced labor or services is a Class C felony.

(2) Trafficking for forced labor or services is a Class A felony if the victim was more than twelve (12) years of age but less than eighteen (18) years of age.

SECTION 4. Tennessee Code Annotated, Section 39-13-309, is amended by deleting subsection (c) and substituting:

(c)(1) A violation of subsection (a) is a Class B felony, except as provided in subdivision (c)(2).

(2) A violation of subsection (a) is a Class A felony if the victim of the offense is a child more than twelve (12) years of age but less than eighteen (18) years of age.

SECTION 5. Tennessee Code Annotated, Section 39-13-314, is amended by deleting subdivision (a)(1)(D) and substituting:

(D) Patronizing prostitution, under § 39-13-514(b)(3)(A); or

(E) Promoting prostitution, under § 39-13-515(c); and

SECTION 6. Tennessee Code Annotated, Section 39-13-515, is amended by deleting subsection (c) and substituting:

(c) Promoting prostitution of a person more than twelve (12) years of age but less than eighteen (18) years of age or a person with an intellectual disability as defined in § 33-1-101 is a Class A felony.

SECTION 7. Tennessee Code Annotated, Section 39-13-524(a), is amended by adding the following as a new subdivision:

(5) July 1, 2022, commits a violation of § 39-13-316(a)(3), (a)(4), or (a)(5).

SECTION 8. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following as a new subsection:

( ) Notwithstanding other provisions of this section to the contrary, there shall be no release eligibility for a person committing the offense of aggravated human trafficking, as defined in § 39-13-316, on or after July 1, 2022. The person shall serve one hundred percent (100%) of the sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. The person shall be 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 a purpose other than the reduction of the sentence imposed by the court.

SECTION 9. Tennessee Code Annotated, Section 39-11-703(c)(1)(A), is amended by adding the following as a new subdivision:

( ) Aggravated human trafficking, as defined in § 39-13-316;

SECTION 10. This act takes effect at 12:01 a.m. on July 1, 2022, the public welfare requiring it, and applies to offenses committed on or after that date.

SENATE BILL NO. 1378

PASSED: April 27, 2022

  
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RANDY McNALLY  
SPEAKER OF THE SENATE

  
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CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 27<sup>th</sup> day of May 2022

  
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BILL LEE, GOVERNOR