

HOUSE BILL 2307

By Moody

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 13, relative to victim compensation.

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

SECTION 1. Tennessee Code Annotated, Section 29-13-108(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) A claim for compensation shall be filed not later than one (1) year after the occurrence of the crime upon which the claim is based or one (1) year after the death of the victim or one (1) year after any mental or physical manifestation or injury is diagnosed as a result of an act committed against a minor that would constitute a criminal offense under §§ 39-12-101, 39-13-502 -- 39-13-505, 39-13-522, 39-15-302, 39-17-902, and 39-17-1003 -- 39-17-1005, or any attempt, conspiracy or solicitation to commit such offenses; provided, that upon good cause shown, the time period for filing such claim may be extended either before or after the expiration of the filing period. No claim shall be filed until the crime upon which the claim is based shall have been reported by the victim, or a member of the victim's family, to the proper authorities; and in no case may an award be made where the law enforcement records show that such report was made more than forty-eight (48) hours after the occurrence of such crime unless, for good cause shown, it is found that the delay was justified. Failure of the victim to report a crime because of the following may constitute good cause:

- (1) The victim is physically unable;
- (2) The victim is a victim of trafficking a person for a commercial sex act under § 39-13-309;
- (3) The victim is a victim of patronizing prostitution under § 39-13-514;

(4) The victim is a victim of promoting prostitution under § 39-13-515;

(5) The victim is a victim of soliciting sexual exploitation of a minor -- exploitation of a minor by electronic means under § 39-13-529;

(6) The victim is a victim of aggravated sexual exploitation of a minor under § 39-17-1004;

(7) The victim is a victim of especially aggravated sexual exploitation of a minor under § 39-17-1005;

(8) The victim is a victim of sexual assault; or

(9) The victim is a victim of domestic abuse.

SECTION 2. Tennessee Code Annotated, Section 29-13-105(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)

(1) A person who is criminally responsible for the crime upon which a claim is based, or an accomplice of such person, or anyone who has contributed to the crime in any respect, shall not be eligible to receive an award with respect to a claim under this chapter.

(2) Subdivision (b)(1) shall not apply to a minor victim or victim coerced or deceived into the commission of any of the following offenses:

(A) Trafficking a person for a commercial sex act under § 39-13-309;

(B) Patronizing prostitution under § 39-13-514;

(C) Promoting prostitution under § 39-13-515;

(D) Soliciting sexual exploitation of a minor -- exploitation of a minor by electronic means under § 39-13-529;

(E) Aggravated sexual exploitation of a minor under § 39-17-1004;

or

(F) Especially aggravated sexual exploitation of a minor under § 39-17-1005.

(3) For purposes of this subsection (b), “coercion” and “deception” have the same meaning as provided in § 39-13-301.

SECTION 3. Tennessee Code Annotated, Section 29-13-103(a)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) The claimant has fully cooperated with the police and the district attorney general in the investigation and prosecution of the offender; provided, however, a minor victim of §§ 39-13-309, 39-13-514, 39-13-515, 39-13-529, 39-17-1004, and 39-17-1005 who has for good cause failed to fully cooperate with police and the district attorney general in the investigation and prosecution of the offender as a result of the person’s victimization shall remain eligible under this section;

SECTION 4. This act shall take effect July 1, 2014, the public welfare requiring it.