

SENATE BILL 291

By Watson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 12, Part 2, relative to the "Racketeer Influenced and Corrupt Organization (RICO) Act of 1989".

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

SECTION 1. Tennessee Code Annotated, Section 39-12-202, is amended by deleting the second sentence of subsection (a), and by substituting instead the following:

It is the intent of the general assembly that this part be used by prosecutors to punish and deter such criminal activities and criminal gang crimes.

SECTION 2. Tennessee Code Annotated, Section 39-12-202, is amended deleting subsection (b)(1), and substituting instead the following:

(1) It is not the intent of the general assembly that isolated incidents of felony conduct be prosecuted under this part, but only an interrelated pattern of criminal activity, the motive or effect of which is to derive pecuniary gain or to commit criminal gang crimes.

SECTION 3. Tennessee Code Annotated, Section 39-12-203, is amended by deleting subdivision (a)(6) and by substituting instead the following:

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents; provided, that at least one (1) of such incidents occurred after July 1, 1986, and that the last of the incidents occurred within five (5) years after a prior incident of racketeering conduct;

SECTION 4. Tennessee Code Annotated, Section 39-12-203, is amended by deleting subdivision (a)(9) and substituting instead the following:

(9) "Racketeering activity" means:

(A) To commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit an act for financial gain that is a criminal offense involving controlled substances, and the amount of controlled substances involved in the offense is included under § 39-17-417(i) and (j) and its subdivisions or involving aggravated sexual exploitation of a minor, especially aggravated sexual exploitation of a minor under §§ 39-17-1004(b)(1)(A) and 39-17-1005(a)(1); or

(B) To commit, attempt to commit, conspire to commit, or to solicit, coerce, or intimidate another person to commit a criminal gang offense, which is any violation of Tennessee Law:

(i) Chargeable as first degree murder under §39-13-202, second degree murder under §39-13-210, voluntary manslaughter under §39-13-211, reckless homicide under §39-13-215, assault under §39-13-101, aggravated assault under §39-13-102, domestic assault under §39-13-111, reckless endangerment under §39-13-103, robbery under §39-13-401, aggravated robbery under §39-13-402, especially aggravated robbery under (§39-13-403), carjacking under §39-13-404, stalking under §39-17-315, aggravated stalking under §39-17-315, especially aggravated stalking under §39-17-315, harassment under §39-17-308, retaliation for past action under §39-16-510, rape under §39-13-503, aggravated rape under §39-13-502, rape of a child under §39-13-522, aggravated rape of a child under §39-13-531, sexual battery under §39-13-505, aggravated sexual battery under §39-13-504, kidnapping under §39-13-303, aggravated kidnapping under §39-13-304, especially

aggravated kidnapping under §39-13-305, especially aggravated burglary under §39-14-404, and possession of a firearm during the commission or attempt to commit a dangerous felony under §39-17-1324; or

(ii) That results, or was intended to result, in the defendant's receiving income, benefit, property, money, or anything of value from the commission of any aggravated burglary under §39-14-403, or from the illegal sale, delivery, or manufacture of a controlled substance under §39-17-417, controlled substance analogue under §39-17-454, or firearm under §39-17-1303 or §39-17-1316;

SECTION 5. Tennessee Code Annotated, Section 39-12-204, is amended by deleting subsections (e) and (f) in their entireties.

SECTION 6. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to prohibited acts occurring on or after the effective date of this act.