

SENATE BILL 368

By Massey

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 2, Part 1, relative to the time within which prosecution for certain offenses must be commenced.

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

SECTION 1. Tennessee Code Annotated, Section 40-2-101, is amended by deleting subsection (l) and substituting instead the following:

(l)

(1) Notwithstanding subsections (b), (g), (h), and (i) to the contrary, unless prosecution of the offense is barred because the applicable limitation of time otherwise established in this section for prosecution of the offense expired prior to the effective date of this act, the following offenses may be prosecuted, tried, and punished at any time after commission of the offense:

(A) Aggravated rape under § 39-13-502;

(B) Rape under § 39-13-503;

(C) Rape of a child under § 39-13-522; or

(D) Aggravated rape of a child under § 39-13-531.

(2) For subdivision (l)(1) to apply, within three (3) years of the date one (1) of the offenses listed in subdivision (l)(1) was committed, the victim or, in the case of a minor victim, the victim's parent or legal guardian is required to report the offense to the law enforcement agency or the office of the district attorney general with jurisdiction over the offense.

(3) If the victim of a crime listed in subdivision (l)(1) was a child and the statute of limitation in subdivision (l)(1) does not apply because the reporting requirement in subdivision (l)(2) was not timely satisfied, then the following apply:

(A) For aggravated rape under § 39-13-502, rape under § 39-13-503, and rape of a child under § 39-13-522, prosecution must be commenced within the time established in subdivision (h)(2); and

(B) For aggravated rape of a child under § 39-13-531, prosecution must be commenced within the time established in subdivision (i)(2).

(4) If the victim of a crime listed in subdivision (l)(1) was an adult and the statute of limitation in subdivision (l)(1) does not apply because the reporting requirement in subdivision (l)(2) was not timely satisfied, prosecution must be commenced within the times otherwise provided by this section.

SECTION 2. Tennessee Code Annotated, Section 40-2-101(h)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 3. Tennessee Code Annotated, Section 40-2-101(i)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 4. Tennessee Code Annotated, Section 40-2-101, is amended by adding the following new subsection:

( ) Notwithstanding subsection (b), (g), (h), (i), (j), (k), (l), or (m), a person may be prosecuted, tried, and punished at any time after the commission of an offense if the offense was:

- (1) Committed on or after July 1, 2019;
- (2) Classified as either a Class A or B felony;
- (3) Committed against a child less than eighteen (18) years of age; and
- (4) The offense was one (1) of the following:

(A) Aggravated rape, as prohibited by § 39-13-502;

- (B) Rape, as prohibited by § 39-13-503;
- (C) Rape of a child, as prohibited by § 39-13-522;
- (D) Aggravated rape of a child, as prohibited by § 39-13-531;
- (E) Trafficking for a commercial sex act, as prohibited by § 39-13-309;
- (F) Aggravated sexual battery, as prohibited by § 39-13-504;
- (G) Sexual exploitation of a minor, as prohibited by § 39-17-1003;
- (H) Aggravated sexual exploitation of a minor, as prohibited by § 39-17-1004;
- (I) Especially aggravated sexual exploitation of a minor, as prohibited by § 39-17-1005;
- (J) Statutory rape by an authority figure, as prohibited by § 39-13-532; or
- (K) Soliciting sexual exploitation of minor - exploitation of a minor by electronic means, as prohibited by § 39-13-529.

SECTION 5. This act shall take effect July 1, 2019, the public welfare requiring it.