

SENATE BILL 2073

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 subsection (a) and substituting instead the following:

(a) The general assembly finds and declares that an effective means of punishing and deterring criminal activities of organized crime is prosecuting conduct that illegally furthers the interests of the criminal organization, as well as the forfeiture of profits acquired and accumulated as a result of such criminal activities.

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

(b) 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.

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

(3) "Enterprise":

(A) Means an individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or an unchartered union, association, or group of individuals associated in fact, although not a legal entity; and

(B) Includes illicit as well as licit enterprises and governmental, as well as other, entities, including criminal gangs;

SECTION 4. Tennessee Code Annotated, Section 39-12-203, is amended by deleting subdivision (6) and substituting instead the following:

(6) "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 that otherwise are interrelated by distinguishing characteristics and are not isolated incidents; provided, that at least one (1) of the incidents occurred after July 1, 2022, and the last of the incidents occurred within ten (10) years after a prior incident of racketeering conduct;

SECTION 5. Tennessee Code Annotated, Section 39-12-203, is amended by deleting subdivision (9) and substituting instead the following:

(9) "Racketeering activity" means to commit, attempt to commit, conspire to commit, or solicit, coerce, facilitate, or intimidate another person to commit:

(A) A crime that is chargeable by warrant, indictment, information, or presentment as:

(i) An offense under chapter 13, part 2 of this title, relating to criminal homicide;

(ii) An offense under chapter 13, part 3 of this title, relating to kidnapping and false imprisonment;

(iii) An offense under chapter 13, part 4 of this title, relating to robbery;

(iv) An offense under chapter 13, part 10 of this title, relating to burglary;

- (v) An offense under chapter 14, part 7 of this title, relating to criminal instruments;
- (vi) An offense under chapter 14, part 9 of this title, relating to money laundering;
- (vii) An offense under chapter 17, part 13 of this title, relating to weapons;
- (viii) Assault under § 39-13-101;
- (ix) Aggravated assault under § 39-13-102;
- (x) Reckless endangerment under § 39-13-103;
- (xi) Domestic assault under § 39-13-111;
- (xii) Violation of an order of protection or restraining order under § 39-13-113;
- (xiii) Aggravated rape under § 39-13-502;
- (xiv) Rape under § 39-13-503;
- (xv) Aggravated sexual battery under § 39-13-504;
- (xvi) Promoting prostitution under § 39-13-515;
- (xvii) Continuous sexual abuse of a child under § 39-13-518;
- (xviii) Rape of a child under § 39-13-522;
- (xix) Aggravated rape of a child under § 39-13-531;
- (xx) Promoting travel for prostitution under § 39-13-533;
- (xxi) Theft of property under § 39-14-103;
- (xxii) Unauthorized use of automobiles and other vehicles under § 39-14-106;
- (xxiii) Extortion under § 39-14-112;
- (xxiv) Forgery under § 39-14-114;

- (xxv) Criminal simulation under § 39-14-115;
- (xxvi) Illegal possession or fraudulent use of credit or debit card under § 39-14-118;
- (xxvii) Worthless checks under § 39-14-121;
- (xxviii) Identity theft under § 39-14-150;
- (xxix) Arson under § 39-14-301;
- (xxx) Aggravated arson under § 39-14-302;
- (xxxi) Setting fire to personal property or land under § 39-14-303;
- (xxxii) Criminal trespass under § 39-14-405;
- (xxxiii) Aggravated criminal trespass under § 39-14-406;
- (xxxiv) Trespass by motor vehicle under § 39-14-407;
- (xxxv) Vandalism under § 39-14-408;
- (xxxvi) Bribery of a public servant under § 39-16-102;
- (xxxvii) Bribery of a witness under § 39-16-107;
- (xxxviii) Bribery of a juror under § 39-16-108;
- (xxxix) Contraband in penal institutions under § 39-16-201;
- (xl) Criminal impersonation under § 39-16-301;
- (xli) Using a false identification under § 39-16-303;
- (xlii) False reports under § 39-16-502;
- (xliii) Tampering with or fabricating evidence under § 39-16-503;
- (xliv) Coercion or persuasion of a witness under § 39-16-507;
- (xlv) Coercion of a juror under § 39-16-508;
- (xlvi) Improper influence of a juror under § 39-16-509;
- (xlvii) Retaliation for past action under § 39-16-510;

- (xlili) Threats of mass violence on school property or at school-related activity under § 39-16-517;
- (xlix) Obstruction of law enforcement under § 39-16-602;
- (l) Evading arrest under § 39-16-603;
- (li) Escape under § 39-16-605;
- (lii) Introduction of implements for escape under § 39-16-608;
- (liii) Perjury under § 39-16-702;
- (liv) Aggravated perjury under § 39-16-703;
- (lv) Subornation of perjury under § 39-16-705;
- (lvi) Stalking, aggravated stalking, or especially aggravated stalking under § 39-17-315;
- (lvii) A drug offense under § 39-17-417;
- (liii) Simple possession or casual exchange under § 39-17-418;
- (lix) Counterfeit controlled substances under § 39-17-423;
- (lx) Unlawful drug paraphernalia under § 39-17-425;
- (lxi) Immediate methamphetamine precursor under § 39-17-431;
- (lxii) Promotion of methamphetamine manufacture under § 39-17-433;
- (lxiii) Manufacture, delivery, sale, or possession of methamphetamines under § 39-17-434;
- (lxiv) Initiation of methamphetamine manufacture process under § 39-17-435;
- (lxv) Controlled substance analogue under § 39-17-454;
- (lxvi) Gambling under § 39-17-502;
- (lxvii) Gambling promotion under § 39-17-503;

(lxviii) Aggravated gambling under § 39-17-504;

(lix) Sexual exploitation of a minor under § 39-17-1003;

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

(lxxi) Especially aggravated sexual exploitation of a minor under § 39-17-1005; or

(B) Any conduct defined as "racketeering activity" under 18 U.S.C. § 1961;

SECTION 6. Tennessee Code Annotated, Section 39-12-204, is amended by deleting subsection (c) and substituting instead the following:

(c) It is unlawful for any person employed by or associated with any enterprise to conduct or participate, knowingly or recklessly, directly or indirectly, in the enterprise through a pattern of racketeering activity or the collection of any unlawful debt.

SECTION 7. Tennessee Code Annotated, Section 39-12-204, is amended by deleting subsections (e) and (f) in their entireties.

SECTION 8. This act takes effect July 1, 2022, the public welfare requiring it, and applies to offenses committed on or after that date.