

SENATE BILL 3319

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2; Title 39, Chapter 13, Part 5 and Title 40, Chapter 35, relative to rape of a child.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-531, is amended by deleting the section in its entirety and substituting instead the following:

(a) Aggravated rape of a child is

(1) The unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is ten (10) years of age or less.

(b) Notwithstanding title 40, chapter 35, aggravated rape of a child shall be punished by imprisonment for life.

SECTION 2. Tennessee Code Annotated, Section 39-13-522, is amended by deleting subsection (a) and substituting instead the following:

(a) Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if the victim is more than ten (10) years of age but less than thirteen (13) years of age.

SECTION 3. Tennessee Code Annotated, Section 39-13-202, is amended by adding the following as a new subsection:

(e) Notwithstanding any other provision of law to the contrary, a killing of a child that is committed in the perpetration of or attempt to perpetrate rape of the child or aggravated rape of the child shall be punished by death.

SECTION 4. Tennessee Code Annotated, Section 39-13-204, is amended by adding the following as a new subsection:

(l) This section shall not apply to murder committed in the perpetration of or attempt to perpetrate rape of a child or attempted rape of a child.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it, and shall apply to offenses on or after such date.