

SENATE BILL 392

By Taylor

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-311, is amended by deleting "§§ 39-13-308 and 39-13-309" and substituting "§§ 39-13-308, 39-13-309, and 39-17-118".

SECTION 2. Tennessee Code Annotated, Section 39-13-314(a)(1), is amended by deleting the subdivision and substituting:

(1) "Human trafficking offense" means the commission of any act that constitutes the criminal offense of:

- (A) Involuntary labor servitude, under § 39-13-307;
- (B) Trafficking persons for forced labor or services, under § 39-13-308;
- (C) Trafficking for commercial sex act, under § 39-13-309;
- (D) Patronizing prostitution, under § 39-13-514(b)(3)(A);
- (E) Promoting prostitution, under § 39-13-515(c);
- (F) Promoting the prostitution of a minor, under § 39-13-512; or
- (G) Human smuggling, under § 39-17-118; and

SECTION 3. Tennessee Code Annotated, Section 39-13-314(a), is amended by adding the following as a new subdivision:

() "Organization" means any of the following, whether foreign or domestic:

- (A) Limited liability companies;
- (B) Corporations;
- (C) Not-for-profit corporations;

- (D) Profit and not-for-profit unincorporated associations;
- (E) Business trusts;
- (F) Estates;
- (G) General partnerships;
- (H) Limited partnerships;
- (I) Registered or unregistered limited liability partnerships;
- (J) Trusts; or
- (K) Joint ventures;

SECTION 4. Tennessee Code Annotated, Section 39-13-314, is amended by adding the following as a new subsection:

(g) In addition to any other remedy, if the attorney general and reporter has reason to believe that any person or organization is committing, has committed, or is about to commit a human trafficking offense or aggravated human trafficking, then the attorney general and reporter may bring an action in the appropriate state court against the person or organization to:

- (1) Restrain the person's or organization's actions by temporary restraining order or temporary or permanent injunction;
- (2) Cancel, revoke, or terminate any certificate of formation, certificate of incorporation, articles of organization, trust instrument, certificate of authority to transact business, license, permit, approval, charter, or registration to transact business of the person or organization;
- (3) Appoint a receiver for the organization; or
- (4) Involuntarily dissolve the organization.

SECTION 5. Tennessee Code Annotated, Section 39-13-316(a), is amended by adding the following as a new subdivision:

(6) Human smuggling, under § 39-17-118.

SECTION 6. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following as a new section:

39-17-118.

(a) A person commits the offense of human smuggling who knowingly:

(1) Transports ten (10) or more persons eighteen (18) years of age or older or five (5) or more minors for the purpose of commercial advantage or private financial gain, with the intent to conceal the individuals from a law enforcement officer or a federal immigration officer, while knowing the persons eighteen (18) years of age or older or minors have illegally entered or remained in the United States, as determined by the bureau of immigration and customs enforcement of the United States department of homeland security; or

(2) Encourages or induces ten (10) or more persons eighteen (18) years of age or older or five (5) or more minors to enter or remain in this state in violation of federal law, as determined by the bureau of immigration and customs enforcement of the United States department of homeland security, by concealing, harboring, or shielding those persons from detection.

(b) Human smuggling is a Class E felony.

SECTION 7. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following as a new section:

39-17-119.

(a) It is an offense for a person to harbor or hide, or to assist another in harboring or hiding, within this state an individual who the person knows or should have known has illegally entered or remained in the United States, as determined by the

bureau of immigration and customs enforcement of the United States department of homeland security.

(b) A violation of this section is a Class A misdemeanor, punishable only by a fine of one thousand dollars (\$1,000) for each person harbored or hidden.

SECTION 8. This act takes effect July 1, 2025, the public welfare requiring it, and applies to any offense committed on or after that date.