

Representative London Lamar
Tennessee

Model Legislation Submission 1

Bill Summary

HB 0117 by *Lamar

(SB 0337) by *Gilmore

● Hide Caption Text

AN ACT to amend Tennessee Code Annotated, Title 49, relative to training on the detection, intervention, prevention, and treatment of human trafficking.

Teachers, Principals and School Personnel - As enacted, increases, from one time to once every three years, the required in-service training for a teacher employed by a local board of education in regard to the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child. - Amends TCA Title 49.

HB0117 has been assigned Public Chapter Number 287 by the Secretary of State.

Summary

FISCAL SUMMARY

NOT SIGNIFICANT

BILL SUMMARY

Abstract summarizes the bill.

Representative London Lamar,
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Model Legislation Submission 1

Fiscal Summary

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 117 - SB 337

January 30, 2021

SUMMARY OF BILL: Increases, from one time to once every three years, the frequency of in-service training that teachers must complete regarding the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 49-6-3004 requires teachers to complete one-time training on human trafficking when the victim is a child through the viewing of a video recording approved by local education agencies (LEAs).
- It is assumed that LEAs already have the necessary resources and video recording required for the training and can accomplish the training during the normal course of business; therefore, increased training will not result in any significant fiscal impact to local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic".

Bojan Savic, Interim Executive Director

/ah

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Bill History

HB 0117 by *Lamar

(SB 0337) by *Gilmore

Teachers, Principals and School Personnel - As enacted, increases, from one time to once every three years, the required in-service training for a teacher employed by a local board of education in regard to the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child. - Amends TCA Title 49.

HB0117 has been assigned Public Chapter Number 287 by the Secretary of State.

Bill History

HB0117 ACTIONS	DATE	SB0337 ACTIONS	DATE
Pub. Ch. 287	05/18/2021	Comp. became Pub. Ch. 287	05/18/2021
Effective date(s) 04/30/2021	05/18/2021	Companion House Bill substituted	04/14/2021
Signed by Governor.	04/30/2021	Placed on Senate Consent Calendar 2 for 4/14/2021	04/12/2021
Transmitted to Governor for his action.	04/20/2021	Recommended for passage, refer to Senate Calendar Committee	04/07/2021
Signed by Senate Speaker	04/20/2021	Placed on Senate Education Committee calendar for 4/7/2021	03/31/2021
Signed by H. Speaker	04/15/2021	Action deferred in Senate Education Committee to 4/7/2021	03/31/2021
Enrolled; ready for sig. of H. Speaker.	04/14/2021	Placed on Senate Education Committee calendar for 3/31/2021	03/25/2021
Passed Senate, Ayes 29, Nays 0	04/14/2021	Passed on Second Consideration, refer to Senate Education Committee	02/10/2021
Senate substituted House Bill for companion Senate Bill.	04/14/2021	Introduced, Passed on First Consideration	02/08/2021
Received from House, Passed on First Consideration	03/25/2021	Filed for introduction	01/26/2021
Engrossed; ready for transmission to Sen.	03/23/2021		
Passed H., Ayes 96, Nays 0, PNV 0	03/22/2021		

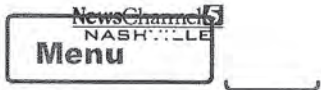
H. Placed on Regular Calendar for 3/22/2021	03/18/2021
Placed on cal. Calendar & Rules Committee for 3/18/2021	03/17/2021
Rec. for pass; ref to Calendar & Rules Committee	03/10/2021
Placed on cal. Education Instruction for 3/10/2021	03/03/2021
Rec. for pass by s/c ref. to Education Instruction	03/02/2021
Placed on s/c cal Education Instruction Subcommittee for 3/2/2021	02/24/2021
Assigned to s/c Education Instruction Subcommittee	01/27/2021
Ref. to Education Instruction	01/13/2021
P2C held on desk.	01/13/2021
Intro., P1C.	01/12/2021
Filed for introduction	01/11/2021

Representative London Lamar,
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Model Legislation Submission 1

Media Coverage

Article 1

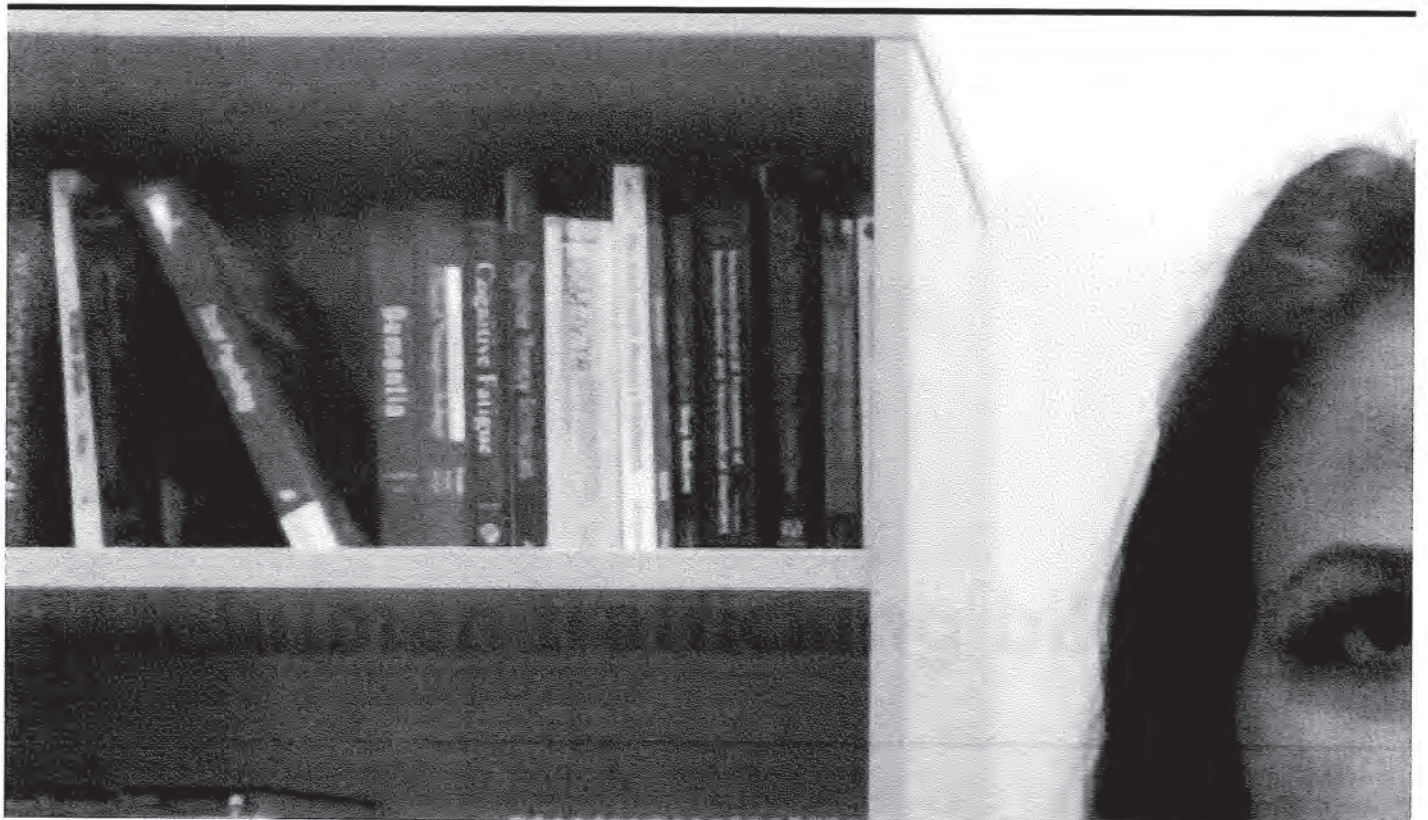


NASHVILLE

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NEWS

Anti-human trafficking bills will soon become law





By: Kyle Horan

Posted at 8:34 PM, Mar 23, 2021 and last updated 8:34 PM, Mar 23, 2021

NASHVILLE, Tenn. (WTVF) — A spokesperson for Governor Bill Lee said he intends to sign two bills into that will fight human trafficking in Tennessee.

One of the bills creates legal protections for people who are human trafficked and de themselves. The other bill creates a requirement for teachers to have human trafficking training once every three years.

Recent Stories from newschannel5.com

The image shows a video player interface. At the top left, there is a 'Top Videos' label. The main video frame shows a woman with blonde hair speaking. Below the video frame, there is a 'CONSUMER ALERT' label, a play button icon, and the text 'STORING LEFTOVER PAINT'. To the right of the video frame is a 'WATCH MORE' button. Below the video frame, there is a large white box with the text 'Consumer Reports: Tips on storing leftover paint'.

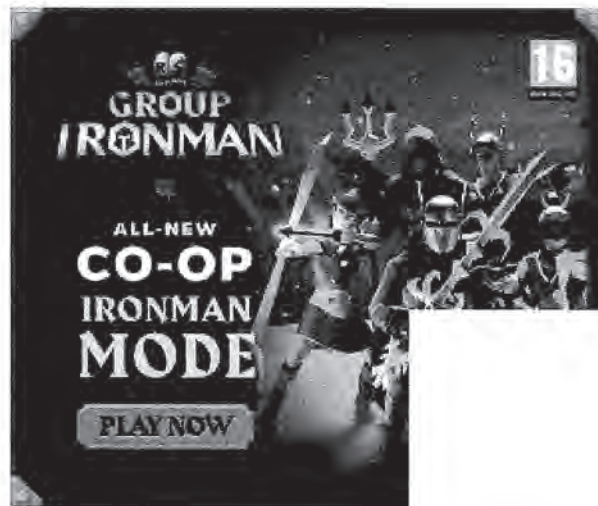
One of the bill's sponsors, Memphis Democrat Rep. London Lamar said it's just a couple of the ideas she has to fight trafficking in Tennessee.

"In order to mitigate this we must bring true criminal justice reform to bring more support for victims instead of relying on perpetrators to do the right thing," said Rep. Lamar.

abused to have arguments in court. It strengthens self-defense arguments for victims trafficking.

"This is a step in true criminal justice reform, closing a loophole so that victims can feel that the system is working on their behalf," said Rep. Lamar. "We don't want victims put in jail for simply trying to defend themselves."

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A third bill is also being brought to the legislature. It would also create training requirements, except for medical professionals instead.

The first two bills were bipartisan. Republican Rep. Michael Curcio helped Rep. Lamar write the legal protections in the bill.

Curcio's office released this statement:

"While we continue our work to eradicate human trafficking, this bill addresses one of many barriers these victims face. HB0017 gives human trafficking victims a legal avenue to defend themselves if they believe their lives are in danger due to the aggressive behavior of their victimizers. I am grateful for Representative Lamar's partnership on this legislation and her hard work to give a voice to the voiceless."

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Model Legislation Submission 1

Media Coverage

Article 2

ADVERTISEMENT

Tennessee teachers now required to learn how to detect human trafficking



Tennessee teachers are now required to learn how to recognize the signs of human trafficking. / Source: (Canva) (WVLT)

By Gwendolyn Ducre

Published: Aug. 7, 2019 at 11:16 AM CDT





NASHVILLE, Tenn. (WVLT) --

Tennessee lawmakers have passed a new law that requires teachers to take a course on how to detect human trafficking.

Starting in the 2019-2020 school year, a new law requires teachers to take a course on how to detect human trafficking.

All teachers must receive a one-time in-service training on the detection, intervention, prevention and treatment of child victims. Teachers in East Tennessee districts, like Anderson County, have already taken the course.

"If every individual in this district has to watch a video and learn about this and saves one child's life, then it's worth it," Ryan Sutton, an Anderson County School's spokesperson said.

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The bill also requires local boards of education to maintain a record of each teacher who completes the training.

"We see a lot of familiar trafficking where mom or dad are using the resources at their disposal to make ends meet or to pay their drug dealer, or it might be normalize behavior," Trudell said. "It's a cyclical thing. Grandmother was trafficked, mother was trafficked so now child is trafficked."

So, she said teachers are the ideal people to catch the signs of trafficking.

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"Teachers certainly have the access to youth, to view what's going on, maybe view some of their behavior changes and hear what they are dealing with outside of school and knowing how to respond to that," Trudell said.

Sex trafficking remains the second/fastest growing crime in Tennessee, according to the TBI.

Learn more about the new law

[here](#)

Representative London Lamar
Tennessee

Model Legislation Submission 2

Bill Summary

HB 0017 by *Lamar

(SB 0188) by *Bowling

Criminal Offenses - As enacted, replaces the required element for self-defense that the person "not be engaged in unlawful activity" with the required element that the person "not be engaged in conduct that would constitute a felony or Class A misdemeanor"; declares, for purposes of determining if a person has a duty to retreat before threatening or using force in self-defense, that a person is not considered to be engaged in conduct that would constitute a felony or Class A misdemeanor or in a place where the person does not have a right to be if the person is engaged in the activity or in a place due to the person's status as a victim of human trafficking. - Amends TCA Title 39, Chapter 11, Part 6.

Companion bill has been assigned Public Chapter Number 115 by the Secretary of State.

Summary

FISCAL SUMMARY

NOT SIGNIFICANT

BILL SUMMARY

This bill establishes certain considerations in regard to force used by a person who is the victim of human trafficking.

Under present law, a person who is not engaged in unlawful activity and is in a place where the person has a right to be has no duty to retreat:

- (1) Before threatening or using force against another person when and to the degree the person reasonably believes the force is immediately necessary to protect against the other's use or attempted use of unlawful force; or
- (2) Before threatening or using force intended or likely to cause death or serious bodily injury, if:
 - (A) The person has a reasonable belief that there is an imminent danger of death or serious bodily injury;
 - (B) The danger creating the belief of imminent death or serious bodily injury is real, or honestly believed to be real at the time; and

(C) The belief of danger is founded upon reasonable grounds.

Under present law, any person using force intended or likely to cause death or serious bodily injury is presumed to have held a reasonable belief of imminent death or serious bodily injury to self, family, or another member of the household when force is used on an intruder who unlawfully and forcibly entered the residence, business, or vehicle. This presumption applies when the person using defensive force knew or had reason to believe that an unlawful and forcible entry had occurred as well. The above presumption does not apply if the person using force is engaged in an unlawful activity or is using the dwelling, business, residence or occupied vehicle to further an unlawful activity.

This bill adds, in regard to the above-described present law provisions, that a person is "not engaged in unlawful activity or in a place where the person does not have a right to be" if the person is engaged in the activity or in the place due to the person's status as a victim of human trafficking. This bill requires the person to prove the person's status as a victim of human trafficking by clear and convincing evidence and such evidence may be established through testimony.

ON MARCH 22, 2021, THE HOUSE SUBSTITUTED SENATE BILL 188 FOR HOUSE BILL 17, ADOPTED AMENDMENT #1, AND PASSED SENATE BILL 188, AS AMENDED.

AMENDMENT #1 replaces the required element for self-defense that the person "not be engaged in unlawful activity" with the required element that the person "not be engaged in conduct that would constitute a felony or Class A misdemeanor," thereby making the justification for the threat or use of force in self-defense conditional upon the person not being engaged in activity that would constitute a felony or a Class A misdemeanor, rather than any unlawful activity.

Representative London Lamar,
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Model Legislation Submission 2

Fiscal Summary

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 17

January 11, 2020

SUMMARY OF BILL: Establishes that a person is not engaged in unlawful activity or in a place where the person does not have a right to be if the person is engaged in the activity or in the place due to the person's status as a victim of human trafficking. Requires such person to prove his or her status as a victim of human trafficking by clear and convincing evidence.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The proposed legislation authorizes a person to provide clear and convincing evidence of a person's status as a human trafficking victim through testimony.
- Any impact to local incarceration, the court system, or state incarceration resulting from adding the proposed legislation as a defense for unlawful activity is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Bojan Savic

Bojan Savic, Interim Executive Director

/mj

Representative London Lamar,
Tennessee

Model Legislation Submission 2

Bill History

HB 0017 by *Lamar

(SB 0188) by *Bowling

Criminal Offenses - As enacted, replaces the required element for self-defense that the person "not be engaged in unlawful activity" with the required element that the person "not be engaged in conduct that would constitute a felony or Class A misdemeanor"; declares, for purposes of determining if a person has a duty to retreat before threatening or using force in self-defense, that a person is not considered to be engaged in conduct that would constitute a felony or Class A misdemeanor or in a place where the person does not have a right to be if the person is engaged in the activity or in a place due to the person's status as a victim of human trafficking. - Amends TCA Title 39, Chapter 11, Part 6.

Companion bill has been assigned Public Chapter Number 115 by the Secretary of State.

Bill History

HB0017 ACTIONS

DATE

Comp. became Pub. Ch. 115	04/21/2021
Comp. SB subst.	03/22/2021
H. Placed on Regular Calendar for 3/22/2021	03/18/2021
Placed on cal. Calendar & Rules Committee for 3/18/2021	03/17/2021
Rec. for pass. if am., ref. to Calendar & Rules Committee	03/10/2021
Placed on cal. Criminal Justice Committee for 3/10/2021	03/03/2021
Rec. for pass by s/c ref. to Criminal Justice Committee	03/03/2021
Placed on s/c cal Criminal Justice Subcommittee for 3/3/2021	02/24/2021
Action Def. in s/c Criminal Justice Subcommittee to 3/3/2021	02/24/2021

SB0188 ACTIONS

DATE

Pub. Ch. 115	04/21/2021
Effective date(s) 07/01/2021	04/21/2021
Signed by Governor.	04/13/2021
Transmitted to Governor for action.	04/06/2021
Signed by H. Speaker	04/05/2021
Signed by Senate Speaker	04/01/2021
Enrolled and ready for signatures	03/31/2021
Senate concurred in House amendment	03/29/2021
Placed on Senate Message Calendar for 3/29/2021	03/25/2021
Passed H., as am., Ayes 94, Nays 0, PNV 0	03/22/2021
H. adopted am. (Amendment 1 -	03/22/2021

Placed on s/c cal Criminal Justice Subcommittee for 2/24/2021	02/17/2021
Meeting Canceled	02/17/2021
Placed on s/c cal Criminal Justice Subcommittee for 2/17/2021	02/10/2021
Assigned to s/c Criminal Justice Subcommittee	01/27/2021
Ref. to Criminal Justice Committee	01/13/2021
P2C held on desk.	01/13/2021
Intro., P1C.	01/12/2021
Filed for introduction	12/02/2020

HA0040)	
Subst. for comp. HB.	03/22/2021
Rcvd. from S., held on H. desk.	03/18/2021
Engrossed; ready for transmission to House	03/15/2021
Passed Senate, Ayes 30, Nays 0, PNV 2	03/15/2021
Placed on Senate Consent Calendar 2 for 3/15/2021	03/11/2021
Recommended for passage, refer to Senate Calendar Committee	03/09/2021
Placed on Senate Judiciary Committee calendar for 3/9/2021	03/03/2021
Passed on Second Consideration, refer to Senate Judiciary Committee	02/10/2021
Introduced, Passed on First Consideration	02/08/2021
Filed for introduction	01/15/2021

Representative London Lamar,
Tennessee

Model Legislation Submission 2

Media Coverage

Article 1

NEWS

Tennessee's youngest female lawmaker files bill inspired by Cyntoia Brown

Anita Wadhvani and Natalie Allison Nashville Tennessean

Published 8:00 a.m. CT Jan. 15, 2019 | Updated 8:32 a.m. CT Jan. 15, 2019

On the first day on the job as a newly minted state representative — the youngest woman now serving in the Tennessee legislature — Rep. London Lamar, D-Memphis, filed her first bill inspired by a woman who has spent nearly half her life in prison.

Lamar's bill would change how minors are treated in some criminal cases if they are a victim of sex trafficking or prostitution.

The proposal would change state law so that an underage person who is the victim of a sex offense or found to be in prostitution is presumed to be acting in self-defense if he or she uses force intended to cause serious injury or death.

More: Lawmakers to reexamine Tennessee's juvenile sentencing laws

The bill, a Senate version of which is being sponsored by Sen. Brenda Gilmore, D-Nashville, stems from the case of Cyntoia Brown, who was sentenced to life in prison in 2006 for killing a stranger who picked her up at an East Nashville fast food restaurant then took her to his home.

Last week, outgoing Gov. Bill Haslam granted clemency to Brown, clearing the way for her release from prison in August.

Lamar said she found Brown's case "uniquely tragic" as she learned about the circumstances in which Brown found herself.

Brown and her attorneys said she was a victim of sex trafficking who felt her life was in danger when she fatally shot 43-year-old Johnny Allen, a Nashville real estate agent, after he took her home from a Sonic restaurant.

Brown is now 30 and will be 31 when she is released.

Lamar, 28 herself, is close in age to Brown.

“When I got elected and I read the story, I said I can’t be silent about this,” Lamar said. “I’m the youngest female in the legislature.

“I felt like it was my obligation to say something. It was my obligation as a young woman. As a youth advocate. As someone who truly believes in second chances.”

Lamar filed her bill on the first day of her first legislative session on Jan. 8 — the day after Haslam announced he would grant Brown clemency.

While protections are in place to prevent juveniles from being charged with prostitution, Lamar said there is nothing to keep them from facing serious, life-altering criminal charges for any act of violence they’re forced to commit against a perpetrator in such a situation.

Lamar said Brown’s case “brings to light the loophole regarding how we are protecting kids” in sex trafficking.

Reach Natalie Allison at nallison@tennessean.com. Follow her on Twitter at [@natalie_allison](https://twitter.com/natalie_allison).

Reach Anita Wadhwani at awadhwani@tennessean.com; 615-259-8092 or on Twitter [@AnitaWadhwani](https://twitter.com/AnitaWadhwani).

