

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

01/08/2019

Clerk of the
Appellate Courts

IN RE AMENDMENTS TO THE TENNESSEE RULES
OF EVIDENCE

No. ADM2018-01575

ORDER

The Court adopts the attached amendment effective July 1, 2019, subject to approval by resolution of the General Assembly. The rule amended is as follows:

RULE 412 SEX OFFENSE CASES; RELEVANCE OF
VICTIM'S SEXUAL BEHAVIOR

The text of the amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



JEFFREY S. BIVINS
CHIEF JUSTICE

APPENDIX I

PROPOSED AMENDMENTS TO THE TENNESSEE

RULES OF EVIDENCE

(new text indicated by underlining; deleted text indicated by overstriking)

TENNESSEE RULES OF EVIDENCE

RULE 412

SEX OFFENSE CASES; RELEVANCE OF VICTIM'S SEXUAL BEHAVIOR.

[Modify the opening paragraph as follows, adding the underlined text and add the new Advisory Commission Comment (2019 Amendment) set out below:]

“Notwithstanding any other provision of law, in a criminal trial, preliminary hearing, deposition, or other proceeding in which a person is accused of an offense under Tenn. Code Ann. §39-13-309 [trafficking a person for a commercial sex act], §39-13-502 [aggravated rape], §39-13-503 [rape], §39-13-504 [aggravated sexual battery], §39-13-505 [sexual battery], §39-13-506 [statutory rape], §39-13-507 [spousal sexual offenses], §39-13-509 [sexual contact by minor with an authority figure], §39-13-522 [rape of a child], §39-13-527 [sexual battery by an authority figure], Tenn. Code Ann. §39-13-528 [solicitation of minors for sexual acts], §39-13-531 [aggravated rape of a child], §35-13-532 [statutory rape by an authority figure], §35-13-533 [promoting travel for prostitution], §39-15-302 [incest], or the attempt to commit any such offense, the following rules apply:”:

* * * *

Advisory Commission Comment [2019 Amendment]

The 2019 amendment adds five offenses to which this rule applies and reorders the listing to the order of appearance in the code.