



HOUSE BILL 2317

By Barrett

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to the "Tennessee Anti-Grooming Act".

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following new section:

39-13-536. Grooming a minor.

(a) This section is known and may be cited as the "Tennessee Anti-Grooming Act."

(b) The purpose of this section is to protect minors from sexual exploitation by criminalizing grooming behavior and supplementing existing child protection laws.

(c) As used in this section:

(1) "Electronic communication" means a signal, message, writing, image, sound, or data transmitted via wire, radio, internet, cellular technology, computer applications, or an electromagnetic, photoelectronic, or photo-optical system;

(2) "Grooming" means an act, pattern of acts, or communication by an adult with a minor or mentally compromised individual, by any medium including electronic communication, messaging, social media, text, telephone, or in person, that is intended to establish trust, secrecy, emotional connection, or control with a minor or mentally compromised individual with the intent to:

(A) Entice, lure, or solicit the minor or mentally compromised individual to engage in sexual contact, simulated sexual contact, or exploitation;

(B) Prepare, condition, or acclimate the minor or mentally compromised individual for sexual contact or exploitation; or

(C) Facilitate the commission of a sexual offense against the minor;

(3) "Mentally compromised individual" means a person of any chronological age whose mental capacity is limited or compromised to that of a child due to a medically diagnosed condition, including, but not limited to, autism spectrum disorder, Down syndrome, schizophrenia, major depression, debilitating anxiety, intellectual disability, or traumatic brain injury;

(4) "Minor" means an individual under eighteen (18) years of age;

(5) "Sexual contact" means the same as defined in § 39-13-501; and

(6) "Simulated sexual contact" means any computer-generated or otherwise altered depiction that appears to portray a minor or mentally compromised individual engaged in sexual contact.

(d) A person commits the offense of grooming who knowingly communicates, solicits, or interacts with a minor or mentally compromised individual with the intent to commit, facilitate, or encourage sexual contact, simulated sexual contact, or sexual exploitation of the minor or mentally compromised individual by any means, including electronic communication or personal interaction.

(e)

(1) Except as provided in subdivisions (e)(2)-(5), a violation of subsection (d) is a Class E felony.

(2) A violation of subsection (d) is a Class A felony if the victim is a minor under thirteen (13) years of age.

(3) A violation of subsection (d) is a Class B felony if the victim is a mentally compromised individual.

(4) A violation of subsection (d) is a Class C felony if the offender has a prior conviction for a sexual offense or violent sexual offense, as those terms are defined in § 40-39-202.

(5) A violation of subsection (d) is a Class D felony if the offender holds a position of trust, authority, or supervision over the victim at the time of the offense.

(f) It is not a defense to a violation of subsection (d) that the subject of the offense is a law enforcement officer posing as a minor.

(g) A person is subject to prosecution in this state under this section for any conduct that originates in this state, or for any conduct that originates by a person located outside this state, where the person solicited the conduct of a minor located in this state, or solicited a law enforcement officer posing as a minor located within this state.

(h) This section is in addition to and does not supersede or limit other provisions of law, including existing offenses involving sexual exploitation of a minor under § 39-17-1003, child abuse and child neglect or endangerment under § 39-15-401, or other child protection offenses.

SECTION 2. Tennessee Code Annotated, Section 39-13-524(a), is amended by adding the following new subdivision:

(7) July 1, 2026, commits a violation of § 39-13-536, that involves an attempt to meet, procure, or engage in sexual contact or simulated sexual contact with a minor or mentally compromised individual following grooming.

SECTION 3. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 4. This act takes effect July 1, 2026, the public welfare requiring it.

Amendment No. 1 to HB2317

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2566*

House Bill No. 2317

by deleting all language after the caption and substituting:

WHEREAS, the General Assembly finds and declares that:

(1) Child sexual abuse is a serious public harm. Research published in peer-reviewed scientific literature indicates that between thirty percent and forty-five percent of child sexual abusers employ preparatory behavioral patterns, commonly referred to as "grooming," prior to the commission of contact sexual offenses, and that nearly all adult survivors of child sexual abuse report having experienced such behaviors;

(2) The sexual grooming model, developed and content-validated by Winters, Jeglic, and Kaylor (2020) in the Journal of Child Sexual Abuse, represents the first empirically validated, comprehensive model of the sexual grooming process, identifying five stages and forty-two specific behaviors recognized by experts in the field as constituting sexual grooming tactics. This model has been further validated in subsequent peer-reviewed research, including Jeglic, Winters, and Johnson (2023), published in Child Abuse & Neglect, which identified specific "red flag" behaviors that are statistically and significantly more likely to occur in cases of child sexual abuse than in non-abusive adult-child interactions;

(3) Key findings of that research include that behaviors involving physical and psychological isolation of a child from parents or guardians were twenty times more likely to occur in cases of child sexual abuse; behaviors designed to desensitize a child to sexual touch or sexual content were thirty-four times more likely to occur; and

cultivation of secrecy between an adult and a child was a statistically significant predictor of abuse;

(4) Existing Tennessee law, including Tennessee Code Annotated, Sections 39-13-528 and 39-13-529, effectively addresses the later stages of sexual grooming specifically, direct solicitation of a minor to engage in sexual conduct and the display or transmission of patently offensive sexual material to a minor. However, existing law does not address the earlier, preparatory stages of grooming, specifically, the deliberate pattern of access-seeking, isolation, inappropriate physical boundary violations, and secrecy cultivation that the scientific literature identifies as precursors to contact offenses and that may not rise to the level of conduct already criminalized under existing statutes;

(5) Because many individual grooming behaviors are superficially similar to normal adult-child interactions, the scientific literature establishes that it is the pattern of such behaviors, their clustering, frequency, and combination with specific intent, rather than any single act, that reliably distinguishes criminal grooming from lawful conduct. A course-of-conduct requirement, combined with specific criminal intent, is therefore both scientifically grounded and constitutionally appropriate;

(6) The age-differential framework established in Tennessee Code Annotated, Section 39-13-506, reflects the General Assembly's considered judgment that the degree of age disparity between an offender and a minor victim is a meaningful indicator of culpability and exploitative potential. The General Assembly finds it appropriate to apply a consistent age-differential framework to the offense of grooming a minor, so that the general offense captures conduct directed at younger children by any adult and conduct directed at older minors only where the age disparity is sufficiently large, specifically, ten or more years, to reflect the power imbalance already recognized in the aggravated statutory rape provisions of Tennessee Code Annotated, Section 39-13-506(c); and

(7) It is the intent of the General Assembly to fill the identified gap in existing law by criminalizing the preparatory pattern of grooming conduct that precedes and facilitates child sexual abuse, without duplicating offenses already addressed in existing Tennessee law, and to do so with reference to scientifically validated behavioral markers and an age-differential structure internally consistent with existing Tennessee criminal law, thereby providing fair notice of prohibited conduct and limiting prosecutorial discretion to cases presenting the most significant risk of harm; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

39-13-536. Grooming a Minor.

(a) As used in this section:

(1) "Course of grooming conduct" means a pattern of two (2) or more predicate acts, directed at the same minor, evidencing a continuity of purpose. In determining whether a course of grooming conduct exists, the trier of fact may consider the frequency, escalation, and combination of predicate acts. Predicate acts need not be of the same type and may occur in any order;

(2) "Position of authority" means the defendant is in a position of trust, or had supervisory, disciplinary, custodial, or evaluative power over a minor by virtue of the defendant's legal, professional, occupational, or organizational status, including but not limited to a teacher, coach, tutor, employer, clergy member, or youth program leader;

(3) "Position of special trust" means a relationship in which a minor has been entrusted to a person's care, supervision, or guidance by the minor's parent or guardian, or by operation of law, and in which the minor reasonably relies upon the person for guidance, safety, or support, including, but not limited to, a

babysitter, family friend, mentor, counselor, or other person in a similar caregiving or supervisory role;

(4) "Predicate act" means the following acts directed at a minor when undertaken as part of a course of conduct with the specific intent described in subsection (b):

(A) Access and isolation conduct, including physically or psychologically isolating the minor from the minor's parent, guardian, or other supervising adults, including by seeking unsupervised time alone with the minor by means of deception or misrepresentation, or by encouraging or instructing the minor to conceal their interactions with the person from parents or guardians;

(B) Secrecy cultivation, including instructing, encouraging, or inducing the minor to keep secret the person's communications, gifts, activities, or physical contact with the minor, or warning the minor that disclosure of such matters would result in harm to the minor or to others;

(C) Dependency-building, including providing gifts, money, special privileges, or other material benefits to the minor or to members of the minor's family, in a manner and under circumstances that a reasonable person would recognize as designed to establish emotional dependency, obligation, or special loyalty in the minor toward the person, and not consistent with the person's legitimate relationship to the minor;

(D) Physical boundary violations, including engaging in physical contact with the minor that violates age-appropriate and role-appropriate boundaries, including touching the minor's intimate parts under the guise of incidental or innocent contact, exposing the person's own intimate parts to the minor, or engaging in progressive physical contact designed to normalize or desensitize the minor to sexual touch; and

(E) Sexual content introduction, including introducing sexual topics, sexual humor, sexual language, or descriptions of sexual activity into communications with the minor in a manner that is not age-appropriate and not consistent with any lawful educational, healthcare, or parental purpose described in subdivision (d)(2)(D); and

(5) "Sexual activity" means the same as defined in § 39-13-529(d).

(b) A person commits the offense of grooming a minor when:

(1) The person engages in a course of grooming conduct directed at a minor with the specific intent to:

(A) Commit, or facilitate the commission by another person of, a sexual offense or violent sexual offense, as defined in § 40-39-202, against the minor; or

(B) Cause or induce the minor to engage in simulated sexual activity that is patently offensive or sexual activity; and

(2)

(A) The minor is under thirteen (13) years of age and the person is eighteen (18) years of age or older; or

(B) The minor is at least thirteen (13) years of age but less than eighteen (18) years of age and the person is at least ten (10) years older than the minor.

(c) A person commits the offense of grooming a minor while in a position of trust when the person:

(1) Is in a position of authority or position of special trust with respect to a minor who is under eighteen (18) years of age;

(2) Is at least four (4) years older than the minor; and

(3) Engages in a course of grooming conduct directed at that minor with the specific intent to:

(A) Commit, or facilitate the commission by another person of, a sexual offense or violent sexual offense, as defined in § 40-39-202, against the minor; or

(B) Cause or induce the minor to engage in sexual activity that is patently offensive or sexual activity.

(d)

(1) This section is intended to address preparatory grooming conduct that does not constitute a completed offense under § 39-13-528, § 39-13-529, § 39-17-1003, § 39-17-1004, or § 39-17-1005. This section does not prohibit prosecution under any other applicable provision of law. A person shall not be convicted of both a violation of this section and a violation of § 39-13-528 or § 39-13-529 arising from the same course of conduct; in such cases, the prosecution shall proceed under the higher-grade offense.

(2) This section does not prohibit a person from engaging in any of the following:

(A) Teaching curricula on human sexuality, sexual health, or sexually transmitted diseases in accordance with state law and applicable educational standards;

(B) The diagnosis, examination, or treatment of a minor by a licensed healthcare provider acting within the scope of professional practice;

(C) Communicating with a minor in the course of a lawful investigation to determine whether the minor is dependent, neglected, or abused;

(D) Age-appropriate conversations about puberty, human sexuality, or personal safety conducted by the minor's parent, guardian, or sibling;

(E) Physical contact that is customary and appropriate to a legitimate professional, educational, athletic, or caregiving role; provided, that such contact is not part of a pattern of conduct undertaken with the intent described in subdivision (b); or

(F) Conduct by a law enforcement officer, or a person acting at the direction of a law enforcement officer, in the course of a lawful investigation or undercover operation.

(3) The existence of a close personal, mentoring, educational, or religious relationship between an adult and a minor shall not, without more, constitute evidence of grooming conduct or grooming intent under this section.

(4) It is not a defense to a violation of this section that no sexual contact or sexual offense was completed or that the minor assented to or was unaware of the grooming conduct.

(5) It is not a defense to a violation of this section that the minor consented to any predicate act or that the minor misrepresented the minor's age to the person.

(e)

(1) A violation of subsection (b) is:

(A) A Class A misdemeanor;

(B) A Class D felony, if the course of grooming conduct includes one (1) or more predicate acts described in subdivision (a)(4)(D) or (a)(4)(E);

(C) A Class C felony, if the minor is under thirteen (13) years of age; or

(D) A Class B felony, if the course of grooming conduct includes one (1) or more predicate acts described in subdivision (a)(4)(D) or (a)(4)(E) and the minor is under thirteen (13) years of age.

(2) A violation of subsection (c) is:

(A) A Class D felony;

(B) A Class C felony, if the course of grooming conduct includes one (1) or more predicate acts described in subdivision (a)(4)(D) or (a)(4)(E);

(C) A Class C felony, if the minor is under thirteen (13) years of age; or

(D) A Class B felony, if the course of grooming conduct includes one (1) or more predicate acts described in subdivision (a)(4)(D) or (a)(4)(E) and the minor is under thirteen (13) years of age.

SECTION 2. Tennessee Code Annotated, Section 40-39-202(31), is amended by adding the following as a new subdivision:

(Z) Grooming, under § 39-13-536;

SECTION 3. This act takes effect July 1, 2026, the public welfare requiring it, and applies to acts committed on or after that date.