

Amendment No. 1 to HB1479

Lamberth
Signature of Sponsor

AMEND Senate Bill No. 1504

House Bill No. 1479*

by deleting all language after the enacting clause and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 40-25-123(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) Notwithstanding any law to the contrary, a general sessions or criminal court judge may either:

(A) Suspend the court costs and litigation tax as required by §§ 67-4-602 - 67-4-606, for any indigent criminal defendant, as in the judge's opinion the equities of the case require; or

(B) Upon the application of an indigent defendant, refer the defendant to the program described in subdivision (c)(2) if the county legislative body has voted to approve such program. Upon certification of the court clerk that the defendant has successfully completed the requirements of subdivision (c)(2), the judge may suspend the court costs and litigation tax as required by §§ 67-4-602 - 67-4-606, for any indigent criminal defendant, as in the judge's opinion the equities of the case require.

(2)

(A) The court clerk for a general sessions or criminal court may, in the clerk's discretion, submit a request in writing to the county legislative body to implement a program of community service for indigent criminal defendants in lieu of full payment of court costs and litigation taxes. A county legislative body

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receiving such request shall vote, within thirty (30) days, whether to approve the request. If a county legislative body votes to approve the request pursuant to subdivision this (c)(2)(A), then the clerk may implement the program.

(B) Upon referral pursuant to subdivision (c)(1)(B), the clerk may determine whether the defendant qualifies for the program based upon the guidelines adopted by the clerk. The guidelines may include evaluation of the defendant's ability to pay the court costs and litigation taxes. The clerk may remove the defendant from the program at any time due to failure to comply with the program guidelines. The number of applicants accepted and the duration and continuation of the program shall be at the discretion of the clerk.

Participation in the community service program established by this subdivision (c)(2) shall not operate to stay a revocation of a license pursuant to § 40-24-105(b); nor shall participation in the program operate to stay collection activity pursuant to § 40-24-105(d) for any of the defendant's cases not approved for inclusion by the clerk.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.