

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 7 - SB 27

February 3, 2017

SUMMARY OF BILL: Provides persons convicted of first degree murder who receive the death penalty as a sentence with direct appeal to the Tennessee Supreme Court, bypassing the Criminal Court of Appeals.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$8,200/Indigent Defense Fund

Assumptions:

- Tennessee Code Annotated § 39-13-206 sets forth the procedure for appealing a death penalty sentence. Under Tenn. Code Ann. § 39-13-206, a defendant that receives the death penalty may appeal his or her sentence by filing an appeal with the Criminal Court of Appeals. An affirmance of the sentence by the Court of Criminal Appeals triggers an automatic review of the matter by the Tennessee Supreme Court.
- The proposed legislation would authorize a defendant to appeal directly to the Tennessee Supreme Court for their review.
- The Administrative Office of the Courts (AOC) administers the Indigent Defense Fund. The Indigent Defense Fund compensates attorneys for representing defendants in criminal matters, including capital murder cases.
- In FY15-16, the AOC paid claims totaling \$8,227 for direct appeals of death sentences to the Criminal Court of Appeals.
- It is estimated the proposed legislation will result in a recurring decrease in state expenditures from the Indigent Defense Fund of \$8,227.
- The Appellate Clerk's Office will need to change some of its internal processes for the handling of capital cases, but it is assumed that the clerk can handle these changes within its existing resources.
- Bypassing the Court of Criminal Appeals could result in lost court costs and fees associated with direct appeals of capital cases. However, it is assumed that most capital defendants are unable to pay the court costs currently assessed in capital cases. As a result, any decrease in fee revenue is estimated to be not significant.

CERTIFICATION:

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

Handwritten signature of Krista M. Lee in cursive script.

Krista M. Lee, Executive Director

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