

HOUSE BILL 643

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 9; Title 16; Title 40 and Title 41,
relative to a study of the death penalty.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) The comptroller of the treasury shall audit the administration of the death penalty in this state every five (5) years. The department of correction, the attorney general and reporter, and other state agencies, as necessary, shall provide documentation and support to assist the comptroller.

(b) The audit must include, at a minimum, the costs of:

(1) The offices of the district public defenders for the additional time of the public defender, the assistant public defender, and district investigator when their officers are appointed to represent a death penalty defendant;

(2) The office of the post conviction defender;

(3) The defense of the death penalty cases at the United States district court, United States circuit court for the sixth circuit, and the United States supreme court that is paid by the office of the federal public defender;

(4) The additional time of the district attorneys general, assistant district attorneys general, criminal investigators, and victim and witness coordinators to prosecute death penalty cases;

(5) Consultants and expert witnesses and witnesses for the prosecution;

(6) The additional time of the Tennessee bureau of investigation's investigators and staff;

(7) The staff of the office of the attorney general and reporter to advise and assist the district attorneys general in prosecuting death penalty cases at the trial level;

(8) The office of the attorney general and reporter to represent the state on appeals in death penalty cases in federal court;

(9) The additional time of the trial courts for numerous hearings, motions, and other complex procedures unique to death penalty cases;

(10) The capital case attorneys to assist and advise the trial judges when hearing a death penalty case;

(11) The additional time of the trial courts for death penalty sentencing;

(12) The additional court time for appeals in death penalty cases by the state court of criminal appeals and the state supreme court;

(13) The federal courts' review of death penalty cases; and

(14) The administration of the indigent defense fund.

(c) The comptroller must deliver a report on the audit's findings to the finance, ways and means and judiciary committees of the senate and the finance, ways and means and criminal justice committees of the house of representatives by January 15 of the year following the audit's completion.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and the report of the first audit must be delivered by January 15, 2023.