

HOUSE BILL 1096

By Watson

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 4 and Title 16, Chapter 5, relative to intermediate appellate courts.

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

SECTION 1. Tennessee Code Annotated, Section 16-4-101, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) Effective September 1, 2014, the court of appeals shall consist of nine (9) judges.

SECTION 2. Tennessee Code Annotated, Section 16-4-102, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) At the regular judicial election held in August 2014 and every eight (8) years thereafter, there shall be elected nine (9) judges of the court of appeals, of whom not more than three (3) shall reside in one (1) grand division of the state, and each of whom shall be not less than thirty (30) years of age, and shall have been a resident of the state five (5) years before qualification; and be learned in the law.

SECTION 3. Tennessee Code Annotated, Section 16-4-109, is amended by adding the following new subsection (c):

(c) Effective September 1, 2014 when the court:

(1) Is sitting in sections of three (3) judges each, the concurrence of two (2) of the judges shall be sufficient to determine all matters coming before the section; and such action, without more, shall have effect, in all respects, as if the entire court of appeals had participated in the action.

(2) Sits en banc, the concurrence of five (5) of the judges is sufficient;
and

(3) Sits in two (2) sections together, the concurrence of four (4) of the judges, shall so suffice and be effective.

SECTION 4. Tennessee Code Annotated, Section 16-4-113, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) Effective September 1, 2014, in order to expedite the trial and decision of cases, the court of appeals, when the court deems it advisable so to do, is authorized and empowered to sit in sections of three (3) judges each, at Knoxville, Nashville and Jackson, to hear and determine cases just as though all nine (9) members were present and participating; and the presiding judge of the court of appeals shall in such event have the right, from time to time, to assign and reassign the judges and sections.

SECTION 5. Tennessee Code Annotated, Section 16-5-102, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) Effective September 1, 2014, the court of criminal appeals shall be composed of nine (9) judges, of whom no more than three (3) shall reside in any grand division of the state. Each judge shall not be less than thirty (30) years of age and shall have been a citizen and resident of the state for at least five (5) years prior to appointment or election under this chapter. The judges shall be duly licensed to practice law in this state.

SECTION 6. This act shall take effect on July 1, 2013, the public welfare requiring it.