

HOUSE BILL 1288

By Casada

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to criminal procedure.

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

SECTION 1. Tennessee Code Annotated, Section 40-24-105, is amended by adding the following as a new subsection thereto:

(e) If the municipality or county official, whichever is appropriate, has not retained an agent to collect or instituted proceedings to collect fines, costs and litigation taxes for the fines, costs and litigation taxes that are owed for more than two (2) years then the administrative office of the court may begin such debt collection proceedings on those fines, costs and litigation taxes. Fifty percent (50%) of any amount the administrative office of the court collects under this subsection (e) shall be used for the district public defenders indigent defense fund and the other fifty percent (50%) shall be forwarded to the state treasurer's office for deposit in the criminal injuries compensation fund.

SECTION 2. Tennessee Code Annotated, Section 40-35-111, is amended by adding the following as a new subsection thereto:

(g) Upon the request of any defendant at sentencing, the court may in its discretion, in lieu of imposing any of the fines under this section, order appropriate community service for such defendant. The court may consider such factors as the defendant's ability to pay, the criminal offense for which the defendant is being sentenced and any prior criminal offenses for which defendant has been convicted. The community service shall be approved by the court or by the defendant's probation and parole officer at the end of any incarceration such defendant may serve.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.