

HOUSE BILL 2078

By Dunn

AN ACT to amend Tennessee Code Annotated, Section 8-21-401; Title 40, Chapter 25 and Title 67, Chapter 4, Part 6, relative to indigent defendants.

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

SECTION 1. Tennessee Code Annotated, Section 40-25-123, is amended by adding the following as a new subsection:

(c)

(1) Notwithstanding any law to the contrary, in any county having a population of not less than four hundred thirty-two thousand two hundred (432,200) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census, 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). Upon certification of the clerk of the criminal court and the general sessions court-criminal division, 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) The clerk of the criminal court and the general sessions court-criminal division may, in the clerk's discretion, implement a program of community service in lieu of full payment of court costs and litigation taxes for all or some of the criminal and general sessions courts. 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) or 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.