

HOUSE BILL 1

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to the death penalty.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-203, is amended by deleting subsection (a) and substituting instead the following:

(a) As used in this section, "intellectual disability" means a disability:

- (1) Characterized by significant limitations in both intellectual functioning and adaptive behavior, including many everyday social and practical skills; and
- (2) That originated prior to the person's eighteenth birthday.

SECTION 2. Tennessee Code Annotated, Section 39-13-203, is amended by adding the following as a new subsection:

(g) A defendant who has been sentenced to the death penalty prior to the effective date of this act and whose conviction is final on direct review may petition the trial court for a determination of whether the defendant is intellectually disabled. The motion must set forth a colorable claim that the defendant is ineligible for the death penalty due to intellectual disability. Either party may appeal the trial court's decision in accordance with Rule 3 of the Tennessee Rules of Appellate Procedure.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.