

HOUSE BILL 7

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2 and Title 40, Chapter 35, relative to review of certain criminal convictions.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-206, is amended by deleting subsections (a) and (b) in their entireties and substituting instead the following:

(a)

(1) Whenever the death penalty is imposed for first degree murder and when the judgment has become final in the trial court, the conviction and the sentence of death shall be automatically reviewed by the Tennessee supreme court. Upon the conviction becoming final in the trial court, the clerk shall docket the case in the supreme court and the case shall proceed in accordance with the Tennessee Rules of Appellate Procedure.

(2) If the defendant has been convicted of first degree murder and sentenced to death, the record as to guilt and sentence shall be expeditiously filed with the Tennessee supreme court within the time limit provision of Tennessee Rules of Appellate Procedure, Rules 24 and 25. If the defendant has been convicted of other crimes at the same trial where a death sentence is imposed, the Tennessee supreme court shall have authority to review by direct appeal the other crimes, if appealed by the defendant with the conviction of first degree murder and sentence of death.

(b) The appeal of the conviction of first degree murder and the review of the sentence of death shall have priority over all other cases and shall be heard according to

the rules promulgated by the Tennessee supreme court. The Tennessee supreme court shall first consider any errors assigned and then the court shall review the sentence of death.

SECTION 2. Tennessee Code Annotated, Section 39-13-206(c), is amended by deleting the language "the reviewing courts" wherever it appears and substituting instead the language "the Tennessee supreme court".

SECTION 3. Tennessee Code Annotated, Section 39-13-206(d), is amended by deleting the language "the court of criminal appeals and the Tennessee supreme court, in reviewing the death sentence for first degree murder, are" and substituting instead the following:
the Tennessee supreme court, in reviewing the death sentence for first degree murder,
is

SECTION 4. Tennessee Code Annotated, Section 39-13-217, is amended by deleting the section and substituting instead the following:

The trial courts of this state and the Tennessee supreme court shall give first priority in docketing to cases where the state has given notice of intent to seek the death penalty pursuant to Rule 12.3(b) of the Rules of Criminal Procedure, or the defendant has been sentenced to death.

SECTION 5. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to convictions for acts committed on or after that date.