



State of Tennessee

PUBLIC CHAPTER NO. 375

HOUSE BILL NO. 289

By Representatives Russell, Powers, Littleton, Alexander, Todd, Vital, Ragan, Slater,
Richey

Substituted for: Senate Bill No. 1112

By Senators Bowling, Hensley, Taylor

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

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

SECTION 1. Tennessee Code Annotated, Section 39-13-204, is amended by adding the following new subsection:

(l) If the jury has imposed a sentence of death, then the jury may determine whether the defendant's sentence must be expedited pursuant to this subsection (l), and, if the jury unanimously determines that an expediated sentence is required, return such findings to the judge upon a form provided by the court. A defendant's sentence may be expedited if the jury finds that:

(1)

(A) The offense involved the death of three (3) or more victims whom the defendant killed using one (1) or more deadly weapons;

(B) The defendant committed the offense by using one (1) or more deadly weapons on the grounds of a public or private elementary, secondary, or postsecondary school; or

(C) The defendant committed the offense by killing a first responder, as defined in § 39-13-116, who was acting in the course of the first responder's employment at the time of the offense; and

(2) The evidence presented at trial proving the defendant's guilt was incontestable, which may include, but is not limited to:

(A) Video evidence depicting the defendant committing the offense; or

(B) Deoxyribonucleic acid evidence linking the defendant to the offense.

SECTION 2. Tennessee Code Annotated, Section 40-23-114, is amended by adding the following new subsection:

(f) If the person has been sentenced to the punishment of death and the jury has determined that the sentence must be expediated, then the sentence must be carried out within thirty (30) business days of the conclusion of any appeal and the exhaustion of all available methods of post-conviction relief.

SECTION 3. Tennessee Code Annotated, Section 40-23-114, is amended by deleting subdivision (e)(2) and substituting instead the following:

(2) The commissioner of correction certifies to the governor that the department is unable to carry out a sentence of death by lethal injection despite making reasonable efforts to do so.

HB289

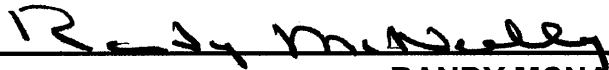
SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.

HOUSE BILL NO. 289

PASSED: April 19, 2023



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 11th day of May 2023



BILL LEE, GOVERNOR