

HOUSE BILL 1198

By Rich

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 8; Title 16; Title 17, Chapter 5 and Title 39, Chapter 16, relative to the court of the judiciary and investigative counsel for such court.

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

SECTION 1. Tennessee Code Annotated, Section 17-5-304, is amended by designating the existing language of subsection (a) as subdivision (a)(1) and by adding the following new subdivision (a)(2):

(2)

(A) If a complaint is filed against a sitting member of the court of the judiciary or against a judge who was a member of the court of the judiciary at the same time as the present investigative counsel served as counsel for the court, the investigative counsel shall recuse himself or herself from investigating the complaint and shall retain special counsel for such purpose. If there is a member of the investigative counsel's staff who is qualified to investigate the complaint and does not have the same conflict as the investigative counsel, that person shall serve as special counsel.

(B) Special counsel retained in accordance with this subdivision (a)(2) shall have the same authority and duties with regard to the complaint for which the special counsel was retained as the investigative counsel.

(C) When the complaint for which the special counsel was retained is finally disposed of, the role and duties of the special counsel shall end, unless the special counsel is also a member of the investigative counsel's staff.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.