

HOUSE BILL 2285

By Love

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 8, Chapter 14 and Title 16, relative to the Tennessee constitutional counsel commission.

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

SECTION 1. Tennessee Code Annotated, Section 4-29-243(a), is amended by inserting the following as a new, appropriately designated subdivision:

Tennessee constitutional counsel commission, created by § 16-7-102;

SECTION 2. Tennessee Code Annotated, Title 16, is amended by adding the following as a new chapter:

**16-7-101.**

This chapter shall be known and may be cited to as the "Tennessee Constitutional Counsel Commission Act."

**16-7-102.**

There is created the Tennessee constitutional counsel commission, to be administratively attached to the executive branch of state government for budget purposes.

**16-7-103.**

(a) The commission shall be composed of thirteen (13) members as follows:

(1) The governor shall appoint four (4) members, three (3) of whom must be licensed to practice law in Tennessee;

(2) The chief justice of the Tennessee supreme court shall appoint four (4) members, three (3) of whom must be licensed to practice

law in this state;

(3) The lieutenant governor shall appoint two (2) members, one (1) of whom must be licensed to practice law in this state;

(4) The speaker of the house of representatives shall appoint two (2) members, one (1) of whom must be licensed to practice law in this state; and

(5) The twelve (12) appointed members shall jointly select the thirteenth member by majority vote.

(b) All commission members must have significant experience in the defense of criminal or juvenile proceedings or the representation of indigents in civil proceedings or must have demonstrated a strong commitment to quality representation in indigent legal representation matters. In making appointments, consideration must be given to persons with expertise in mental health issues, criminal practice, appellate practice, juvenile justice and child welfare law, and budgeting and fiscal management.

(c) To the extent possible, the commission shall reflect the racial and gender composition of the population of the state. Each appointing authority shall not appoint more than two (2) persons from any one (1) grand division of the state.

(d) No person shall be appointed to the commission who receives compensation as a judge, prosecutor, law enforcement official, public defender, or an employee of a judge, prosecutor, law enforcement official, or public defender. No private attorney shall be appointed to the commission who derives more than fifty percent (50%) of the attorney's annual income from representing indigent clients.

**16-7-104.**

There shall be a nine (9) member advisory board to assist the commission to be appointed as follows:

(1) One (1) member shall be an active trial or appellate judge appointed by the chief justice; and

(2) The remaining eight (8) members shall be appointed, one (1) each, by the president of the following organizations:

- (A) Tennessee association of criminal defense lawyers;
- (B) Tennessee district public defenders conference;
- (C) Tennessee council of juvenile and family court judges;
- (D) Tennessee general sessions judges conference;
- (E) Clerks of court conference;
- (F) Tennessee alliance of legal services;
- (G) Tennessee bar association; and
- (H) Tennessee district attorneys general conference.

**16-7-105.**

The commission shall provide recommendations to all branches of state government concerning topical constitutional issues.

SECTION 3. This act shall take effect on July 1, 2018, the public welfare requiring it.