

SENATE BILL 966

By Robinson

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 4, Chapter 53, relative to the
Innocence Commission Act.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 53, is amended by adding the following as a new part:

4-53-101. This part shall be known and may be cited as the "Innocence Commission Act."

4-53-102.

(a) There is hereby created the innocence commission, to be composed of nine (9) members, as follows:

(1) The governor shall appoint two (2) members, one (1) of whom is a dean of a law school and one (1) of whom is a law enforcement officer;

(2) The attorney general and reporter shall appoint one (1) attorney member who represents the state in the prosecution of felonies;

(3) The chair of the senate judiciary committee shall appoint one (1) member of the senate;

(4) The chair of the criminal justice subcommittee of the house of representatives shall appoint one (1) member of the house of representatives;

(5) The chief justice of the supreme court shall appoint one (1) member of the judiciary;

(6) The chancellor of the University of Tennessee shall appoint two (2) members, one (1) of whom is a law professor and one (1) of whom works in the field of forensic science; and

(7) The Tennessee association of criminal defense lawyers shall appoint one (1) member who is a criminal defense lawyer.

(b) The members of the commission must be appointed within ninety (90) days of the effective date of this act.

(c) Each member shall serve a two-year term.

(d) The governor shall designate one (1) member to serve as the presiding officer. The commission shall elect such other officers as it deems necessary and shall conduct its business as it may agree.

4-53-103.

(a) The commission shall thoroughly investigate all post-conviction exonerations, including convictions vacated based on a plea to time served, to:

(1) Ascertain errors and defects in the criminal procedure used to prosecute the defendant's case at issue;

(2) Identify errors and defects in the criminal justice process in this state generally;

(3) Develop solutions and methods to correct the identified errors and defects; and

(4) Develop procedures and programs to prevent future wrongful convictions.

(b) The commission may enter into contracts for research services as considered necessary to complete the investigation of a case, including forensic testing and autopsies.

(c) The commission may administer oaths and issue subpoenas, signed by the presiding officer, to compel the production of documents and the attendance of

witnesses as considered necessary to conduct a thorough investigation. A subpoena of the commission must be served in accordance with the Tennessee Rules of Civil Procedure. On application of the commission, the district court of Davidson County shall compel compliance with the subpoena in the same manner as for district court subpoenas.

4-53-104.

(a) The commission shall compile a detailed biennial report of its findings and recommendations, including any proposed legislation to implement procedures and programs to prevent future wrongful convictions.

(b) The report shall be made available to the public upon request.

(c) The findings and recommendations contained in the report may not be used as binding evidence in a subsequent civil or criminal proceeding.

(d) The commission shall submit the report to the governor and the legislature no later than December 1 of each even-numbered year.

4-53-105. No member of the commission is entitled to compensation, but members are entitled to reimbursement of travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

SECTION 2. Tennessee Code Annotated, Section 4-29-242, is amended by inserting the following as a new subdivision:

Innocence commission, created by § 4-53-101;

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