

SENATE BILL 1378

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 3; Title 16, Chapter 4; Title 16, Chapter 5; Title 17, Chapter 1, Part 3; Title 17, Chapter 4, Part 1 and Title 17, Chapter 4, Part 2, relative to judges.

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

SECTION 1. Tennessee Code Annotated, Section 17-4-109, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) If a vacancy occurs during the term of office of a judge of the court of appeals or court of criminal appeals, then the judicial selection commission shall, at the earliest practicable date, hold a public meeting in the grand division from which such vacancy is to be filled. However, if an incumbent judge fails to file a written declaration of candidacy required by § 17-4-114 or § 17-4-115, or if the commission is reliably informed that a vacancy is impending for another reason, then the public meeting may be held prior to actual occurrence of the vacancy.

(2) If a vacancy occurs during the term of office of a judge of the supreme court, then the judicial selection commission shall, at the earliest practicable date, hold a public meeting in Nashville. However, if an incumbent judge fails to file a written declaration of candidacy as required by § 17-4-114 or § 17-4-115, or if the commission is reliably informed that a vacancy is impending for another reason, then the public meeting may be held prior to actual occurrence of the vacancy.

(b) Notice of the time, place and purpose of the meeting shall be given by newspapers, radio news, and television news and by such other means as the commission deems proper.

(c) Any member of the public, both lay and attorney, shall be entitled to attend the meeting and express orally or in writing suggestions of possible nominees and/or such citizen's approval of or objections to any suggested nominee for the judicial vacancy. Any licensed attorney may appear and make a statement, oral or written, in support of such attorney's own nomination.

(d) After one (1) public hearing, the commission may hold such additional public meetings as it deems necessary. The commission shall make independent investigation and inquiry to determine the qualifications of possible nominees for the judicial vacancy and shall endeavor to encourage qualified attorneys to accept nomination and agree to serve if appointed to the judicial vacancy.

(e) As soon as practicable and not later than sixty (60) days from receipt of written notice from the governor that a vacancy has occurred, the commission, in public meeting, by a majority vote shall select three (3) persons whom the commission deems best qualified and available to fill the vacancy and certify the names of the three (3) persons to the governor as nominees for the judicial vacancy. However, if an incumbent judge fails to file a written declaration of candidacy as required by § 17-4-114 or § 17-4-115, or if the commission is reliably informed that a vacancy is impending for another reason, then the commission may meet, select such persons and certify the names of such nominees to the governor prior to actual receipt of written notice from the governor that a vacancy has occurred.

(f) The judicial selection commission, in compiling its list of nominees for a supreme court position, shall assure that the requirements of art. VI, § 2, of the Tennessee Constitution are satisfied.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.