

SENATE BILL 7061

By Rose

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 39 and Chapter 264 of the Public Acts of
2023, relative to juvenile justice.

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

SECTION 1. Section 1 of Chapter 264 of the Public Acts of 2023, as codified in Tennessee Code Annotated, Section 37-1-134(a)(1)(A)(iii)(b)(1), is amended by deleting the subdivision and substituting:

(1) Charged with the offense of robbery; theft of a firearm, as defined by § 39-11-106; or an attempt to commit any such offense; or

SECTION 2. Tennessee Code Annotated, Section 37-1-134, is amended by adding the following as a new subsection:

(m)

(1) The criminal court, or court having criminal jurisdiction, shall review a juvenile court's determination pursuant to subdivision (a)(1)(A)(iii)(b)(1) upon motion by either party.

(2) If appealed, the clerk of the juvenile court shall file the record on appeal no later than fifteen (15) days after the entry of the juvenile court's order.

(3) The criminal court or court having criminal jurisdiction shall conduct a de novo review of the juvenile court's determination, and the court's review must be expedited. The review by the criminal court or court having criminal jurisdiction is a review of the record only and must be conducted without an evidentiary hearing.

(4) The state shall serve and file a brief no later than fifteen (15) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction. Counsel for the child shall serve and file a brief within fifteen (15) days after the state's brief is filed with the clerk. Reply briefs are not permitted. The criminal court or court having criminal jurisdiction must issue a decision within forty-five (45) days after the date on which the record is filed with the clerk of the criminal court or court having criminal jurisdiction.

(5) If an appeal is filed pursuant to this subsection (m), then the juvenile court's jurisdiction over the alleged delinquent conduct under de novo review by the criminal court or court having criminal jurisdiction pursuant to this subsection (m) is automatically stayed until the review by the criminal court or court having criminal jurisdiction is completed.

SECTION 3. This act takes effect October 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.