

HOUSE BILL 395

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 6; Title 8; Title 16; Title 17; Title 29; Title 36;
Title 37; Title 38; Title 39; Title 40 and Title 41,
relative to justice reform.

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

SECTION 1. Tennessee Code Annotated, Section 6-54-131, is amended by deleting the section.

SECTION 2. Tennessee Code Annotated, Section 8-7-310, is amended by deleting the section and substituting instead the following:

The executive director of the district attorneys general conference shall attend to such duties as may be assigned by the district attorneys general conference or the executive committee of such conference.

SECTION 3. Tennessee Code Annotated, Section 8-14-102, is amended by deleting subdivision (b)(1)(A) and substituting instead the following language:

(A) The terms of office of all district public defenders shall be eight (8) years, and until their successors are elected and qualified. Each district public defender shall be elected by the qualified voters of each respective district in the regular August election.

The district public defender shall be a duly licensed attorney admitted to the practice of law in this state, and shall have been a resident of the state for five (5) years and of the judicial district for one (1) year.

SECTION 4. Tennessee Code Annotated, Section 8-14-104, is amended by deleting subsection (d) and substituting instead the following language:

(d) At such times and in such form and manner as may be directed by the chairs of the criminal justice committee of the house of representatives and the judiciary

committee of the senate, each executive director of the district public defenders conference shall submit reports reflecting the number, kind, status, and disposition of all cases and proceedings.

SECTION 5. Tennessee Code Annotated, Section 8-14-304, is amended by deleting the section and substituting instead the following:

The executive director of the district public defenders conference shall attend to such duties as may be assigned to the executive director by the district public defenders conference or the executive committee of such conference.

SECTION 6. Tennessee Code Annotated, Section 16-1-117(a)(5), is amended by deleting the language "to the judicial council and".

SECTION 7. Tennessee Code Annotated, Section 16-2-512, is amended by deleting the section and substituting instead the following:

(a) Where § 16-2-506 requires the election of an additional judge in a judicial district, the presiding judge of the district shall notify the trial court vacancy commission in writing of the judge's recommendation as to whether the additional judge will be a circuit court judge, criminal court judge, or chancellor and of the part of court the judge or chancellor will serve. The recommendation must be made by January 1 of the year in which the additional judge is to be elected and must be made only after consultation with all other trial level judges in the district, all local bar associations in the district, and any other person or group with an interest in the recommendation.

(b) The trial court vacancy commission has thirty (30) days from receipt of the written recommendation provided for in subsection (a) to approve or reject it; provided, that the recommendation stands approved unless rejected by a two-thirds (2/3) vote of the entire commission. No recommendation shall be rejected except following a public hearing of the commission held upon ten (10) days' advance notice to the presiding judge who made the recommendation and to the public. At the hearing, interested parties may present evidence on the issue. If the recommendation is not approved or rejected within thirty (30) days, the recommendation is considered approved.

(c) Upon the trial court vacancy commission's approval of a recommendation pursuant to this section, it shall notify the governor of its decision. Upon receiving this recommendation, the governor shall send notice that a vacancy has occurred to the commission and shall fill the vacancy in accordance with title 17, chapter 4, part 3.

(d) The administrative director of the courts shall notify the presiding judge of the affected district of the commission's action and shall notify the election commission of each county in the affected district of the type of judge and part of court of the judge to be elected. Upon receiving such information, each election commission shall prepare the ballot to be used in such judicial election accordingly.

SECTION 8. Tennessee Code Annotated, Section 16-2-519(a), is amended by deleting the language "and the Tennessee judicial council are" and substituting instead the word "is".

SECTION 9. Tennessee Code Annotated, Section 16-3-803, is amended by deleting subsection (b) and substituting instead the following language:

(b) The administrative director of the courts shall attend to duties that may be assigned by the supreme court or chief justice of the supreme court.

SECTION 10. Tennessee Code Annotated, Section 16-3-803, is amended by deleting subsection (g) and substituting instead the following language:

(g) The administrative director of the courts shall continuously survey and study the operation of the state court system, the volume and condition of business in the courts of the state, whether of record or not, the procedures employed by those courts, and the quality and responsiveness of all of the courts with regard to the needs of civil litigants and the needs of the criminal justice system throughout the state.

SECTION 11. Tennessee Code Annotated, Section 16-17-101, is amended by deleting subsection (c).

SECTION 12. Tennessee Code Annotated, Section 16-18-311, is amended by deleting subdivision (a)(8) and substituting instead the following language:

(8) If the feasibility study committee recommends any one (1) of the findings set forth in subdivision (a)(6)(A) or (a)(6)(B), and if the county wishes to pursue creation of a new general sessions court in the county or if the municipality wishes to pursue extension of concurrent general sessions jurisdiction to a newly created or existing municipal court, then the county or municipality, as appropriate, shall:

(A) Submit the written findings and recommendations of the feasibility study committee to the judiciary committee of the senate and the civil justice committee of the house of representatives; and

(B) Cause legislation to be timely introduced for consideration by the general assembly.

SECTION 13. Tennessee Code Annotated, Section 16-21-101, is amended by deleting the section.

SECTION 14. Tennessee Code Annotated, Section 16-21-102, is amended by deleting the section.

SECTION 15. Tennessee Code Annotated, Section 16-21-103, is amended by deleting the section.

SECTION 16. Tennessee Code Annotated, Section 16-21-104, is amended by deleting the section.

SECTION 17. Tennessee Code Annotated, Section 16-21-105, is amended by deleting the section.

SECTION 18. Tennessee Code Annotated, Section 16-21-106, is amended by deleting the section.

SECTION 19. Tennessee Code Annotated, Section 16-21-107, is amended by deleting the section.

SECTION 20. Tennessee Code Annotated, Section 16-21-108, is amended by deleting the section.

SECTION 21. Tennessee Code Annotated, Section 16-21-109, is amended by deleting the section.

SECTION 22. Tennessee Code Annotated, Section 16-21-110, is amended by deleting the section.

SECTION 23. Tennessee Code Annotated, Section 16-21-111, is amended by deleting the section and substituting instead the following:

(a) The clerks of circuit courts and the clerks and masters of chancery courts shall report, on a monthly basis, to the administrative office of the courts on a form to be devised and distributed by the administrative office of the courts, the following data:

(1) The number of cases filed claiming money damages for personal injury or death;

(2) The number of such cases actually proceeding to trial; and

(3) For each such case actually proceeding to trial, the number of cases in which the plaintiff was awarded some money damages for personal injury or death, the amount of the verdict given in a jury case, the amount of judgment in a case without a jury, and any additur or remittitur awarded in the case by the trial judge.

(b) The presiding judge in each circuit shall verify the trial data reported to the administrative office of the courts.

(c) The administrative office of the courts shall compile such data and report the findings of the previous fiscal year, on or before February 1 of each year, to the chair of

the senate judiciary committee, the chair of the civil justice committee of the house of representatives, and the attorney general and reporter. The report is a public document, available on request from the administrative office of the courts.

SECTION 24. Tennessee Code Annotated, Section 17-1-107, is amended by deleting the section and substituting instead the following:

No additional state trial judge positions shall be created until the Tennessee comptroller of the treasury has established uniformly reported caseload statistics, which may include a weighted caseload formula and that prioritizes the need for additional positions among the judicial districts. The Tennessee comptroller of the treasury shall certify the data to the civil justice committee of the house of representatives and the judiciary committee of the senate.

SECTION 25. Tennessee Code Annotated, Section 36-5-406, is amended by deleting the section and substituting instead the following:

The department of human services, in consultation with the Tennessee judicial conference, has the authority by regulation to promulgate forms, which must be available for use pursuant to this part. Such forms must be promulgated pursuant to the rulemaking provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 26. Tennessee Code Annotated, Section 37-1-603(b)(6), is amended by deleting the language "judicial council" and substituting instead the language "joint task force on children's justice and child sexual abuse".

SECTION 27. This act shall take effect upon becoming law, the public welfare requiring it.