

SENATE BILL 2785

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Chapter 375 of the Public Acts of
2023, relative to the death penalty.

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

SECTION 1. Tennessee Code Annotated, Section 40-23-114(f), is amended by designating the current language as subdivision (f)(1) and adding the following subdivision (f)(2):

(2) For purposes of this subsection (f), all appeals and the exhaustion of all available methods of post-conviction relief are considered concluded after the defendant has pursued at least one (1) unsuccessful challenge to the defendant's conviction and sentence through a direct appeal, a state post-conviction proceeding, and a federal habeas corpus proceeding. If a court refuses to hear an appeal, then that appeal is considered concluded.

SECTION 2. Tennessee Code Annotated, Section 39-13-206, is amended by adding the following as a new subsection:

(f) A person sentenced to the punishment of death must file all post-conviction appeals within one hundred eighty (180) days of the original sentence and the conclusion of an unsuccessful appeal pursuant to this section. The attorney general and reporter must notify the person sentenced to the punishment of death and the person's attorney if two (2) or more appeals can be filed simultaneously. At the conclusion of the one hundred eighty (180) days, the attorney general and reporter shall file a motion requesting that the supreme court set an execution date.

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