



HOUSE BILL 483

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to district attorneys general.

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

SECTION 1. Tennessee Code Annotated, Section 8-7-103(5), is amended by deleting "ninety (90) days" and substituting "one hundred twenty (120) days".

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

Amendment No. 1 to HB0483

Farmer
Signature of Sponsor

AMEND Senate Bill No. 443

House Bill No. 483*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 6, Part 1, is amended by adding the following as a new section:

8-6-113.

(a) The attorney general and reporter is authorized to conduct an audit of a district attorney general's disposition of charges and other ancillary matters within the thirtieth judicial district. The purpose of the audit is to ensure the proper administration of justice necessary to protect the safety of the community and to provide accountability to the public.

(b) An audit conducted pursuant to subsection (a) must review:

(1) The disposition of all charges brought to and by the district attorney general , including, but not limited to, plea agreements entered, convictions obtained, sentences entered, charges dismissed, any other action indicating a declination to prosecute, and the reasoning for the district attorney general's decision to reduce, nolle prosequi, or dismiss a charge;

(2) The recommendations given by the district attorney general regarding conditions of pretrial release and requirement of bail or release on recognizance for charges;

(3) The use of funds by the district attorney general, including potential improper use of grant funds; and

(4) Any other alleged misconduct or unlawful acts committed in the course of the district attorney general's duties.

(c)

(1) For the purposes of an audit pursuant to this section or any subsequent legislative action resulting from such an audit, the attorney general and reporter must be accorded access to and may examine any information, records, books, data, or reports maintained by a district attorney general, whether or not the information is subject to public inspection. A district attorney general shall fully cooperate with the attorney general and reporter in providing such access.

(2) The attorney general and reporter shall maintain inviolate any privileged or confidential information so acquired and any record or writing so defined by law; provided, however, that the attorney general and reporter may provide any such information, record, or writing to the speaker of the house of representatives and the speaker of the senate to the extent the attorney general and reporter deems it necessary to include such information in the attorney general and reporter's audit report and to members of the general assembly for the purpose of considering or taking subsequent legislative action. If the attorney general and reporter provides any such information, record, or writing to members of the general assembly pursuant to this subdivision (c)(2), then the members of the general assembly must maintain inviolate any privileged or confidential information so acquired and any record or writing so defined by law.

(d) The attorney general and reporter shall submit a report of the findings of the audit to the speaker of the house of representatives and the speaker of the senate by January 1, 2027.

(e) If the attorney general and reporter finds clear evidence that the district attorney general in the thirtieth judicial district has peremptorily and categorically refused

to prosecute criminal offenses based on an unjustifiable and unconstitutional standard, without regard to facts or circumstances, or taken other official action that constitutes a failure or refusal to prosecute according to the law, then the attorney general and reporter may petition the supreme court for appointment of a district attorney general pro tem pursuant to § 8-7-106.

SECTION 2. Tennessee Code Annotated, Section 8-7-106(a), is amended by adding the following as a new subdivision:

(3) If a district attorney general has peremptorily and categorically refused to prosecute criminal offenses based on an unjustifiable and unconstitutional standard, without regard to facts or circumstances or taken other official action that constitutes a failure or refusal to prosecute according to the law, then the attorney general and reporter may petition the supreme court for appointment of a district attorney general pro tem. If the supreme court finds that the district attorney general has refused to attend and prosecute according to law, then the supreme court shall appoint some other attorney, from a list provided by the district attorneys general conference, as district attorney general pro tem in the district attorney general's place for the sole purpose of prosecuting persons accused of committing those certain offenses. The acts of such district attorney general pro tem are valid as if done by the regular officer, and the district attorney general pro tem is entitled to the same privileges and emoluments.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.