

SENATE BILL 2249
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 17, relative to criminal procedure during trials involving sex crimes.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, is amended by adding the following as a new, appropriately numbered subsection:

40-17-_____ Sex Crimes Exception – Joinder and Severance – Impeachment and Proof of Other Crimes.

(a) For purpose of this section, the following definitions apply:

(i) Sex crimes are those specified in Title 39, Chapter 13, Part 5 and §39-15-302, and any attempt, solicitation or conspiracy to commit those crimes.

(ii) Charging instrument means indictment, information, presentment, affidavit of complaint and warrant, or any other similar document.

(b) Notwithstanding the provisions of any rule or statute to the contrary, two or more charging instruments pending in the same court against the same defendant may be joined for trial in the sole discretion of the District Attorney if each instrument charges one or more sex crimes.

(c) Notwithstanding the provisions of any rule or statute to the contrary, a defendant shall not have the right to a severance of any sex crimes which are joined in one charging instrument. No court shall sever counts set forth in one charging instrument if two or more of them alleges a sex crime.

(d) Notwithstanding the provisions of any rule or statute to the contrary, in trials of any sex crimes, evidence that the defendant committed other charged or uncharged sex crimes, wrongs or acts shall be admitted into evidence by the court for the purpose of showing the predisposition of the defendant to commit the offenses alleged in the charging instrument. Such other crimes, wrongs or acts include those that occurred before, after, or in between the offenses alleged in the charging instrument.

(e) Notwithstanding the provisions of any rule or statute to the contrary, a defendant who is charged with one or more sex crimes and testifies at trial may be impeached by evidence in the form of opinion or reputation pertaining to the defendant's predisposition to commit sex crimes, and the State shall also be permitted to inquire on cross-examination of the defendant or any witness called by the defendant about specific instances of charged or uncharged sex crimes, wrongs or acts, whether amounting to a conviction or not, for the purpose of showing the predisposition of the defendant to commit the sex crime or crimes alleged. The court shall not weigh the probative value of such evidence against the prejudicial effect, but shall admit such evidence freely to permit the jury to weigh the evidence in determining the facts of the case.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.