

HOUSE BILL 2933  
By Briley

AN ACT to amend Tennessee Code Annotated, Section 40-30-306, relative to the duties of the post-conviction defender.

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

SECTION 1. Tennessee Code Annotated, Section 40-30-306, is amended by adding the following new subsections:

(e) Where the post-conviction defender determines that it is in the interest of justice, the post-conviction defender may represent, without additional compensation, a death sentenced inmate, who, at the completion of both state post-conviction proceedings and federal collateral review, remains under a sentence of death, if such individual is presently represented by the post-conviction defender or if such individual is not currently represented by the post-conviction defender but is unable to secure counsel due to indigency, during clemency proceedings before the Tennessee board of probation and parole and the governor and for all such ancillary actions as are necessary to protect the constitutional rights of the inmate during clemency proceedings and prior to, and during, an impending execution.

(f) As used in subsections (a) and (c) of this section, “collateral actions challenging the legality of the judgment and sentence,” include litigating all ancillary actions necessary to the complete and ethical representation of the client in attacking the conviction, sentence of death, and the state’s ability to constitutionally carry out the sentence of death.

SECTION 2. This act shall take effect on July 1, 2002, the public welfare requiring it.