

HOUSE BILL 1197

By Rich

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 17 and Title 39, Chapter 16, relative to
complaints filed with the court of the judiciary.

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

SECTION 1. Tennessee Code Annotated, Section 17-2-101, is amended by designating the present language as subsection (a) and adding the following new subsection (b):

(b)

(1) If either party to an action makes a timely motion requesting that the judge assigned to hear the case recuse himself or herself by reason of incompetency under this section, disqualification under Article VI, § 11, or under Rule 10, Canon 3E of the Rules of the Supreme Court, and such judge denies the motion, such party shall have the right to have another trial court judge, either in the same judicial district or another district, sit by interchange to hear the recusal motion. If another judge is not available to sit by interchange, a special judge shall be appointed in accordance with § 17-2-109.

(2) Subject to appeal as provided by law and rule, the ruling of the interchanging judge or special judge on the recusal motion shall be final.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it and shall apply to motions for recusal filed on or after such date.