

HOUSE BILL 1225

By Bass

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 40,
relative to the representation of criminal defendants.

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

SECTION 1. Tennessee Code Annotated, Section 40-14-207, is amended by adding the following as a new subsection:

() Notwithstanding any other provision of law or Rule 13 of the Rules of the Supreme Court to the contrary, no attorney who has admitted, claimed by affidavit or under oath or has been found by a court of competent jurisdiction to have rendered ineffective assistance of counsel in a criminal case shall be paid or reimbursed any funds from the treasury of this state for services or expenses that are otherwise compensable and authorized pursuant to this section or Rule 13 of the Rules of the Supreme Court. Before such attorney is authorized to receive state funds for legal services again, the attorney must furnish to the administrative office of the courts evidence that the attorney has successfully completed the necessary counseling, continuing legal education, or such other training or rehabilitation as demonstrates to the administrative office of the courts that corrective action has been taken to address the issues that caused the attorney to be ineffective.

SECTION 2. Tennessee Code Annotated, Section 40-30-209, is amended by adding the following new subsection:

() Notwithstanding the provisions of this section to the contrary, no post-conviction defender or assistant post-conviction defender who has admitted, claimed by affidavit or under oath or has been found by a court of competent jurisdiction to have rendered ineffective assistance of counsel in a criminal case shall be paid or reimbursed any funds from the treasury of this state for salary or expenses that are otherwise

authorized by this section. Before such post-conviction defender or assistant post-conviction defender is authorized to receive state funds for legal services again, the post-conviction defender or assistant post-conviction defender must furnish evidence to the administrative office of the courts that the post-conviction defender or assistant post-conviction defender has successfully completed the necessary counseling, continuing legal education, or such other training or rehabilitation as demonstrates to the administrative office of the courts that corrective action has been taken to address the issues that caused the post-conviction defender or assistant post-conviction defender to be ineffective.

SECTION 3. Tennessee Code Annotated, Section 8-14-207, is amended by adding the following new subsection:

() Notwithstanding the provisions of this section to the contrary, no district public defender or assistant district public defender who has admitted, claimed by affidavit or under oath or has been found by a court of competent jurisdiction to have rendered ineffective assistance of counsel in a criminal case shall be paid or reimbursed any funds from the treasury of this state for salary or expenses that are otherwise authorized by this section. Before such district public defender or assistant district public defender is authorized to receive state funds for legal services again, the district public defender or assistant district public defender must furnish to the administrative office of the courts evidence that the attorney has successfully completed the necessary counseling, continuing legal education, or such other training or rehabilitation as demonstrates to the administrative office of the courts that corrective action has been taken to address the issues that caused the district public defender or assistant district public defender to be ineffective.

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