

SENATE BILL 2048

By Harris

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to punishment for the offense
of murder in the first degree.

WHEREAS, the General Assembly of the State of Tennessee recognizes the value of each person's life and the need to protect that life whenever possible; and

WHEREAS, the State should exercise utmost care to protect its residents' lives from homicides, preventable illnesses, accidents, and unjust taking by the State; and

WHEREAS, significant numbers of Tennesseans, including members of this body, have grave reservations about the fairness in the way that the death penalty is imposed in our State and elsewhere; and

WHEREAS, the bulk of death sentences come from only four (4) Tennessee counties while at least half of Tennessee's counties do not utilize the death penalty; and

WHEREAS, the current death penalty system is more costly to Tennessee taxpayers than the alternative of life without the possibility of parole; and

WHEREAS, the death penalty system does not provide swift or sure justice for family members of murder victims, with the process often lasting decades, while the alternative sentence of life without parole would begin as soon as the trial ended; and

WHEREAS, the death penalty's cumbersome and expensive process diverts millions of dollars and attention from the critical services that families of homicide victims need to help them heal, including specialized grief counseling, financial assistance, and ongoing support. In Tennessee, these services could be improved and expanded; and

WHEREAS, many Tennesseans maintain that economic status, race, judicial error, overzealous prosecution, or other factors may deny some defendants the right to adequate representation or to a fair trial in capital cases; and

WHEREAS, the execution of an innocent person by the State of Tennessee continues to be a real risk and would be an irreversible injustice; and

WHEREAS, it is consistent with Tennessee's history, philosophy, and values to ensure a system of justice which is fair, impartial, and eschews vengeance; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 39-13-202(c)(1), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 39-13-203(b), is amended by deleting the subsection.

SECTION 3. Tennessee Code Annotated, Section 39-13-204(a), is amended by deleting the language "to death,".

SECTION 4. Tennessee Code Annotated, Section 39-13-204(e)(1), is amended by deleting the language "of death or".

SECTION 5. Tennessee Code Annotated, Section 39-13-204(g), is amended by deleting the subsection.

SECTION 6. Tennessee Code Annotated, Section 39-13-204(h), is amended by deleting the first two sentences of the subsection.

SECTION 7. Tennessee Code Annotated, Section 39-13-204(i), is amended by deleting the language "death penalty or".

SECTION 8. Tennessee Code Annotated, Section 39-13-204(k), is amended by deleting the language "death,".

SECTION 9. Tennessee Code Annotated, Section 39-13-206, is amended by deleting the section.

SECTION 10. Tennessee Code Annotated, Section 39-13-208(a), is amended by deleting the subsection.

SECTION 11. Tennessee Code Annotated, Section 39-13-217, is amended by deleting the section.

SECTION 12. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to sentencing in any case in which an applicable offense is committed on or after that date.