

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 933 – HB 1342

March 23, 2015

SUMMARY OF ORIGINAL BILL: Requires courts to admit a pre-crime photograph of a victim at trial if the victim is dead, the photo is submitted by the prosecution, and the photo is a reasonable depiction of the victim. Creates a statutory right for the dead victim and the victim's family.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004248): Deletes all language after the enacting clause and rewrites the bill to limit application of the bill to criminal homicide cases, rather than any case involving the death of a victim.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under current law and rules of evidence, a pre-crime photograph of a victim could be admitted into evidence if the photograph is relevant and not overly prejudicial. A judge has discretion over whether or not to admit the photograph.
- The proposed legislation would require the admission of a pre-crime photograph if the victim is dead.
- According to the District Public Defenders Conference and the District Attorneys General Conference, the proposed legislation will not impact their caseloads.
- According to the Administrative Office of the Courts, any impact resulting from the proposed legislation can be accommodated within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Jeffrey L. Spalding".

Jeffrey L. Spalding, Executive Director

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/trm