

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2377 – SB 2342

March 27, 2016

SUMMARY OF ORIGINAL BILL: Requires all biological evidence in cases where the defendant was sentenced to death to be preserved until the defendant is executed or completes his or her sentence. Authorizes the intentional destruction of the evidence to result in appropriate relief or sanctions.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014927): Deletes all language after the enacting clause and rewrites the bill.

Adds a section to Title 40, Chapter 35, Part 3 relative to sentences. The new section defines “biological evidence” for purposes of the section and requires all biological evidence collected for a criminal offense in which one or more of the defendants receive a sentence of death to be preserved until all defendants are executed, otherwise die, or all related charges are dismissed.

Requires the investigating law enforcement agency to preserve any biological evidence collected but never introduced at trial, and a court clerk must preserve any biological evidence introduced at the defendant’s trial. A documented biological sample taken from a larger piece of evidence may be preserved if the origin of the biological sample is well documented.

Clarifies that the bill as amended applies to all biological evidence collected prior to the effective date of the bill as amended and is in the custody of a court clerk or law enforcement agency.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

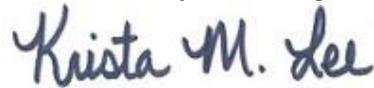
- From year 2000 to 2010, approximately 25 people were convicted of first degree murder and sentenced to death. It is assumed that three defendants each year are sentenced to death.

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- The approximate time served by each person sentenced to death is 28.54 years.
- The bill as amended will require law enforcement and court clerks to preserve biological evidence for approximately 28.54 years for three cases each year.
- Tennessee Code Annotated § 18-1-206 requires courts to preserve evidence until the appeals process is complete. Capital murder cases continue for multiple years in the appeals process. Requiring law enforcement and courts to preserve evidence in three cases each year will not significantly impact their operations.
- The Administrative Office of the Courts, the Tennessee Bureau of Investigation, and local law enforcement contacts confirm that the legislation will not significantly impact their operations.

CERTIFICATION:

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



Krista M. Lee, Executive Director

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