

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1479 - SB 1558

January 19, 2016

SUMMARY OF BILL: Permits a witness exempt from sequestration to testify in any order—not just first—if the court determines within its discretion that no prejudice would result.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Rule 615 is Tennessee's sequestration rule. It is intended to prevent a witness's testimony from being affected by hearing other witnesses' testimony.
- Some witnesses may be exempt from sequestration. A person designated by counsel for a party that is not a natural person is exempt from sequestration. In other words, a corporation or governmental entity that is a party to a suit, criminal or civil, may have a designee present during courtroom proceedings.
- It is standard practice in Tennessee to require such exempt witnesses to testify first. *See Mothershed v. State*, 578 S.W.2d 96, 100-01 (Tenn. Crim. App. 1978) (citing *Smartt v. State*, 80 S.W. 586 (1904)).
- The proposed legislation would change the practice in Tennessee. The Administrative Office of the Courts (AOC) notes that the proposed practice would be more aligned with federal practice.
- The bill addresses evidentiary issues. It is assumed that changing this evidentiary practice will not significantly impact incarcerations, the courts' caseloads, or the operations of the courts, district attorneys, and public defenders.
- The AOC, the District Public Defenders Conference, and the District Attorneys General Conference confirm that the proposed legislation will not significantly impact their caseloads and operations.

CERTIFICATION:

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

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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