

HOUSE BILL 642

By Carter

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 14, relative to district public defenders.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 14, Part 1, is amended by adding the following as a new section:

(a) The district public defenders conference shall establish, and the executive director shall operate, the district public defender appellate division for the purpose of representing indigent persons in direct appeals, pursuant to § 8-14-104, to the Tennessee court of criminal appeals and the Tennessee supreme court.

(b) The executive director, or the executive director's designee, shall be the director of the appellate division.

(c) An assistant public defender of the appellate division must be an attorney licensed to practice law in this state. A person so employed serves at the direction of the executive director and performs such duties as the executive director may require.

(d)

(1) The appellate division shall represent indigent persons upon appeal from the circuit or criminal courts in this state, pursuant to § 8-14-104.

(2) The appellate division may, however, refuse the appointments where necessary:

(A) Due to a conflict of interest;

(B) If the executive director determines the existing caseload cannot be increased without jeopardizing the appellate division's ability to provide effective representation; or

(C) Where the district public defender deems it necessary for the best interests of the defendant.

(e)

(1) In order to effectively and efficiently use the resources of the appellate division, the executive director may:

(A) Select and employ staff attorneys to perform the duties prescribed by this section; and

(B) Fill a full-time employee position with two (2) part-time employees.

(2) In order to implement assignments, available funds may be reallocated or transferred, subject to overall budgetary limits.

(f) A person employed as a full-time assistant public defender in the appellate division pursuant to this section is not permitted to engage in the practice of law except as the duties of such position requires. Notwithstanding any other restrictions, attorneys with pending private legal matters at the time of employment with the district public defender appeals division shall have a reasonable length of time to conclude or transfer such cases in keeping with the standards of professional and ethical conduct.

(g) Effective July 1, 2019, there are authorized six (6) appellate attorney positions within the appellate division.

(h) Appellate division attorneys are to be compensated as assistant public defenders pursuant to § 8-14-107.

SECTION 2. Tennessee Code Annotated, Section 8-14-303(a), is amended by adding the following new subdivision:

() Manage the operations and administer the accounts that relate to the appellate division;

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.