

SENATE BILL 400

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 13, Part 2 and Title 40, Chapter 35,  
relative to review of certain criminal convictions.

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

SECTION 1. This act shall be known and may be cited as the "Sergeant Daniel Baker Act".

SECTION 2. Tennessee Code Annotated, Section 39-13-206, is amended by deleting subsections (a)-(c) in their entireties and substituting instead the following:

(a)

(1) Whenever the death penalty is imposed for first degree murder and when the judgment has become final in the trial court, the Tennessee supreme court shall automatically review the conviction and the sentence of death. Upon the conviction becoming final in the trial court, the clerk shall docket the case in the supreme court and the case shall proceed in accordance with the Tennessee Rules of Appellate Procedure.

(2) If the defendant has been convicted of first degree murder and sentenced to death, the record as to guilt and sentence shall be expeditiously filed with the Tennessee supreme court within the time limit provision of Tennessee Rules of Appellate Procedure, Rules 24 and 25. If the defendant has been convicted of other crimes at the same trial where a death sentence is imposed, the Tennessee supreme court shall have authority to review by direct appeal the other crimes, if appealed by the defendant with the conviction of first degree murder and sentence of death.

(b) The appeal of the conviction of first degree murder and the review of the sentence of death shall have priority over all other cases and shall be heard according to the rules promulgated by the Tennessee supreme court. The Tennessee supreme court shall first consider any errors assigned and then the court shall review the sentence of death.

(c)

(1) In reviewing the sentence of death for first degree murder, the Tennessee supreme court shall determine whether:

(A) The sentence of death was imposed in any arbitrary fashion;

(B) The evidence supports the jury's finding of statutory aggravating circumstance or circumstances;

(C) The evidence supports the jury's finding that the aggravating circumstance or circumstances outweigh any mitigating circumstances;  
and

(D) The sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the nature of the crime and the defendant.

(2) The Tennessee supreme court may promulgate rules as it deems appropriate to establish such procedures as are necessary to enable it to properly review the death sentence.

SECTION 3. Tennessee Code Annotated, Section 39-13-206(d), is amended by deleting the language "the court of criminal appeals and the Tennessee supreme court, in reviewing the death sentence for first degree murder, are" and substituting instead the following:  
the Tennessee supreme court, in reviewing the death sentence for first degree murder,  
is

SECTION 4. Tennessee Code Annotated, Section 39-13-217, is amended by deleting the section and substituting instead the following:

The trial courts of this state and the Tennessee supreme court shall give first priority in docketing to cases where the state has given notice of intent to seek the death penalty pursuant to Rule 12.3(b) of the Rules of Criminal Procedure, or the defendant has been sentenced to death.

SECTION 5. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to acts committed on or after that date.