

PUBLIC CHAPTER NO. 754

HOUSE BILL NO. 2690

By Representative Coleman

Substituted for: Senate Bill No. 2966

By Senator Beavers

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 14, relative to appointment of counsel for indigent criminal defendants.

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

SECTION 1. Tennessee Code Annotated Section 40-14-202, is amended by deleting subsection (f) in its entirety and replacing it with the following:

The clerk of the court shall collect all moneys paid by an accused pursuant to this section. When the accused fails to comply with the orders of the court, the clerk shall notify the court of the accused's failure to comply. At the conclusion of the proceedings in the trial court, the court shall order the clerk to pay to the Administrative Office of the Courts any funds that the clerk collected from the accused. The clerk of the court shall receive a commission of five percent (5%) of the moneys collected for the clerk's services in collecting, handling and making payment pursuant to the order of the court; provided, that in counties having a population of more than seven hundred thousand (700,000), according to the 1990 federal census or any subsequent federal census, the commission shall be ten percent (10%).

SECTION 2. Tennessee Code Annotated Section 40-14-202, is amended by deleting subsection (g) in its entirety and substituting instead the following:

(g) If a defendant has been ordered to pay all or a portion of the accused's representation pursuant to subsection (d), and if the Administrative Office of the Courts receives funds paid pursuant to subsection (f) that are greater than the total amount which appointed counsel has claimed and has been reimbursed pursuant to Supreme Court Rule 13, then any such excess funds shall be paid to the appointed attorney.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: March 29, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 13th day of April 2010



PHIL BREDESEN, GOVERNOR