State of Tennessee

PUBLIC CHAPTER NO. 5

THIRD EXTRAORDINARY SESSION

SENATE BILL NO. 8

By Mr. Speaker McNally, Stevens, Roberts

Substituted for: House Bill No. 71

By Mr. Speaker Cameron Sexton, Campbell, Griffey, Sherrell, Rudd, Reedy, Cepicky, Ragan, Todd, Moody

AN ACT to amend Tennessee Code Annotated, Title 8; Title 16 and Title 17, relative to a district attorney general peremptorily refusing to prosecute all instances of a criminal offense without regard to facts or circumstances.

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

SECTION 1. Tennessee Code Annotated, Section 8-7-106(a), is amended by designating the current language as subdivision (a)(1) and adding the following new subdivision:

(2) If a district attorney general peremptorily and categorically refuses to prosecute all instances of a criminal offense without regard to facts or circumstances, then the attorney general and reporter may petition the supreme court for appointment of a district attorney general pro tem. If the supreme court finds that the district attorney general has refused to attend and prosecute according to law, then the supreme court shall appoint some other attorney as district attorney general pro tem in the district attorney general's place for the sole purpose of prosecuting persons accused of committing that offense. The acts of such district attorney general pro tem are valid as if done by the regular officer, and the district attorney general pro tem is entitled to the same privileges and emoluments.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.
THIRD EXTRAORDINARY SESSION
ONE HUNDRED TWELFTH GENERAL ASSEMBLY

SENATE BILL NO. 8

PASSED: October 29, 2021

RANDY McNALLY
SPEAKER OF THE SENATE

CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 12th day of November 2021

BILL LEE, GOVERNOR