

TENNESSEE

STATISTICAL INFORMATION

Current Governor: Phil Bredesen
Term of Office: Jan. 2003 - Jan. 2007

Legislative Term: Jan. - Apr.

Total Inmate Pop.
(As of 3/31/05): 19,368 **White: 46%** **Black: 53%** **Latino/a: 1%** **Other: 0%**

Death Row Pop.
(As of 4/1/05): 107 **White: 60** **Black: 42** **Latino/a: .9%** **Other: 4%**

EXECUTIONS:
Since 1976: 1 **White: 1** **Black: 0** **Latino/a: 0** **Other: 0**
(As of 6/28/05)

Carried out in 2003: 0

Carried out in 2004: 0

Carried out in 2005: 0 Scheduled for 2005: 1
(As of 6/28/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2005
include those executed by the state or those who died of natural causes) :

(does not

Total Number: 88

Sentence/Conviction overturned (minus exonerations): 86

Sentence reduced: 0

Exoneration:

Other: 2

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study:

Current: 2005: Two bills taken off the calendar would abolish the death penalty (HB1724, SB1123).

Previous Years: 2003: Two bills introduced create a special death penalty study committee to study access to justice and other implications of death penalty trials; establishes a moratorium on executions until such time as the General Assembly has received and considered the recommendations of the committee (HB520, SB385). One bill introduced provides for a moratorium on executions until such time as the General Assembly and the Governor can act upon recommendations of the committee created to study equal access to justice and other implications of the death penalty (HB763). Another bill introduced creates a special committee composed of 15 members to study capital punishment in Tennessee and make recommendations by July 1, 2005, designed to ensure that capital punishment is free from bias and error in its application and administration (HB598, SB210). Another bill creates a special committee to study equal access to justice and other implications of death penalty trials (HB671). **2001-02:** Two bills introduced would have placed a moratorium on executions and created a commission to study the state's death penalty system (HB1566, SB1805).

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: None.

Previous Years: None.

DNA Testing and Preservation of Material Evidence:

Current: 2005: One bill failed that required DNA evidence of defendant charged with felony that is collected by or in the possession of a law enforcement agency to be safely stored until released by the defendant and made such DNA evidence inadmissible in criminal trial unless state demonstrates that it will be safely stored (SB1671, HB568). Two other bills failed that required retention of certain biological material for DNA testing. established procedure for destruction of material. authorized department of correction to impose sanctions for false tests (HB967, SB1673).

Previous Years: 2004: The governor signed into effect an act which removes process for state payment of DNA testing of post-conviction petitioners from the criminal injuries compensation fund (HB3454, SB3008). One bill was taken off notice which would have required retention of certain biological material for DNA testing; establishes procedures for the destruction of the material; authorized the Dept. of Corrections to impose sanctions for false tests (HB1654). **2003:** Two bills died which would have required retention of certain biological material for DNA testing; establishes procedures for the destruction of the material; authorizes the Dept. of Corrections to impose sanctions for false tests (HB1654, SB1738).

Crime Labs and Medical Examiner Offices:

Current: None.

Previous Years: None.

**Counsel
Qualifications,
Training and
Competency:**

Current: None.

Previous Years: None.

**Counsel
Compensation:**

Current: None.

Previous Years: None.

Judges and Juries:

Current: None.

Previous Years: None.

**Racial and Ethnic
Minorities:**

Current: None.

Previous Years: None.

Juvenile Offenders:

Current: None.

Previous Years: None.

**Mental Retardation,
Mental Disability
and Mental
Competency:**

Current: None.

**Special Notes-
Appointment of
Experts:**

Current: 2005: One bill taken off the calendar would have allowed any court of record that has found defendant to be indigent to hold hearing in open court to determine that investigative or expert services are necessary to ensure constitutional rights of defendant are protected (SB203).

Special Notes:

Current: 2005: One bill deferred would require that any statement made by an accused during a custodial interrogation at a place of detention by a law enforcement officer must be electronically recorded to be admissible against the defendant as a confession or admission of guilt (SB108).

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT HAVE
PASSED MORATORIUM RESOLUTIONS**

Nashville/Davidson County
Tennessee Association of Criminal Defense Lawyers

****Last Updated on June 28, 2005**