STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

Number 34

AN ORDER ESTABLISHING THE GOVERNOR'S TASK FORCE ON DUI LAWS IN TENNESSEE

WHEREAS, the problem of driving under the influence of alcohol and other intoxicants is a significant threat to the safety and well-being of the people of this state; and

WHEREAS, last year in Tennessee over twenty-one thousand people were convicted of DUI and alcohol consistently plays a role in a large percentage of all traffic fatalities in this state; and

WHEREAS, the staggering personal and financial costs to the people of Tennessee incurred as a result of these crimes is unacceptable, and this Administration is committed to the strong, effective enforcement of laws dealing with this issue; and

WHEREAS, over the past several years, the General Assembly has demonstrated its commitment to addressing this challenge by passing strong new laws in this area and by strengthening and tightening existing laws; and

WHEREAS, as the laws in this area have evolved, certain aspects have become less clear and straightforward than ideal, leading to frustration and confusion for many stakeholders. In recent years, this situation had led to Tennessee Court of Criminal Appeals opinions that describe portions of the state's DUI laws as "[t]o say the least . . . ambiguous" and "confusing"; and

WHEREAS, everyone involved in the process, including law enforcement officials, judges, prosecutors, defense attorneys and defendants would benefit from strong, clear, straightforward and less confusing state law in this area.

NOW THEREFORE, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, do hereby order and direct the following:

1. The Governor's Task Force on DUI Laws in Tennessee ("Task Force") is hereby established. The Task Force is charged with conducting a comprehensive review of the state's DUI laws, including all of Tennessee Code Annotated, Title 55, Chapter 10, Part 4, and any relevant judicial opinions interpreting such statutes. The Task Force shall recommend to the Governor any needed amendments or changes to such laws, giving due consideration to the need for a legal framework in this area that is comprehensive, clear, and easily understandable by all stakeholders and citizens.

2. The Task Force shall present its findings and recommendations to the Governor on or before October 2, 2006.

3. The Task Force shall have twelve (12) members, consisting of the following individuals:

    a. One (1) member of the Tennessee Senate to be selected by the Speaker of the Senate;
    b. One (1) member of the Tennessee House of Representatives to be selected by the Speaker of the House of Representatives;
    c. Attorney General and Reporter or his designee;
    d. Commissioner of Safety or his designee;

    FURTHERMORE, the Governor shall appoint eight (8) additional members to the Task Force, which shall include but not be limited to at least one representative of each of the following groups or organizations: judges, district attorneys, criminal defense attorneys, law enforcement, and interested citizens.

4. The Commissioner of Safety or his designee shall serve as the Chairperson of the Task Force.

5. The Task Force shall convene for its initial meeting on or before April 1, 2006, at a place and time to be determined by the Chairperson. Thereafter, the Task Force shall meet at such times and places as determined by its Chairperson; provided, however, that the Task Force shall meet no less frequently than one time per month.

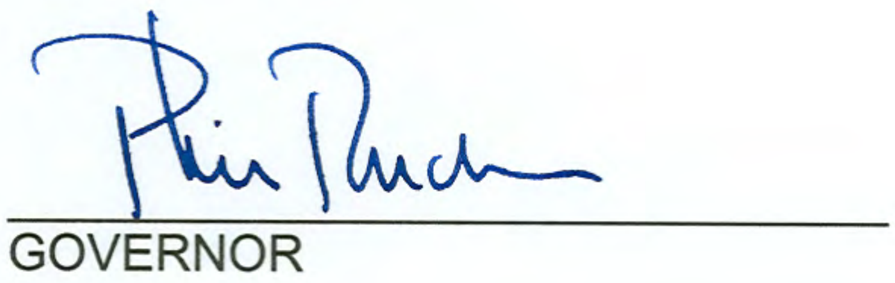
6. The Task Force shall be attached to the Department of Safety for administrative purposes.

7. All Executive Branch departments, agencies, boards and commissions, and any other divisions of state government shall fully cooperate with the Task Force in carrying out the mandates of this Executive Order and shall provide staff support and any other assistance as requested.

8. Non-legislative members shall receive no compensation for their service on the Task Force but may be reimbursed for those expenses allowed by the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter. Members of the General Assembly shall be reimbursed in the same manner as they are paid for attending legislative meetings pursuant to Tennessee Code Annotated, Section 3-1-106.

9. The Task Force will cease to function following the presentation of its recommendations to the Governor.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 6th day of March, 2006.



GOVERNOR

ATTEST:

SECRETARY OF STATE