

SENATE BILL 2044

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40 and Title 41, relative to sentencing.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

() Notwithstanding this section to the contrary, for inmates with a felony sentence of two (2) years or more based on an offense committed on or after July 1, 2024:

(1) Sentence reduction credits earned pursuant to § 41-21-236 shall not operate to alter the defendant's sentence expiration date, but may be used to reduce the percentage of the sentence imposed by the court that the defendant must serve before becoming eligible for release on parole;

(2) Release eligibility for the defendant shall occur when the defendant becomes eligible for release on parole or upon expiration of the entire sentence imposed on a defendant; and

(3) If a defendant is released on or following the release eligibility date, then the defendant shall serve the remainder of the actual sentence imposed on parole.

SECTION 2. Tennessee Code Annotated, Section 40-35-501, is amended by deleting the last sentence of subdivision (h)(2) and substituting:

However, sentence reduction credits authorized by § 41-21-236 or any other law may:

(A) For offenses committed before July 1, 2024, reduce the sentence imposed by the court by up to fifteen percent (15%); and

(B) For offenses committed on or after July 1, 2024, reduce by up to fifteen percent (15%) the percentage of the sentence imposed by the court that the person must serve before becoming eligible for release on parole but shall not alter the sentence expiration date.

SECTION 3. Tennessee Code Annotated, Section 40-35-501(k)(6)(B), is amended by deleting the last sentence of the subdivision and substituting:

However, sentence reduction credits authorized by § 41-21-236 or any other law shall not:

(i) For offenses committed before July 1, 2024, reduce below fifty-five percent (55%) the percentage of sentence imposed by the court such person must serve before becoming release eligible; and

(ii) For offenses committed on or after July 1, 2024, reduce below fifty-five percent (55%) the percentage of sentence imposed by the court that the person must serve before becoming eligible for release on parole and shall not alter the sentence expiration date.

SECTION 4. Tennessee Code Annotated, Section 40-35-501(v), is amended by deleting the last sentence of the subsection and substituting:

The person shall serve one hundred percent (100%) of the sentence imposed by the court less sentence credits earned and retained; however, sentence reduction credits authorized by § 41-21-236 or any other law may:

(1) For offenses committed before July 1, 2024, reduce the sentence imposed by the court by up to fifteen percent (15%); and

(2) For offenses committed on or after July 1, 2024, reduce by up to fifteen percent (15%) the percentage of the sentence imposed by the court that the person must serve before becoming eligible for release on parole but shall not alter the sentence expiration date.

SECTION 5. Tennessee Code Annotated, Section 40-35-501(w), is amended by deleting the last sentence of the subsection and substituting:

Any sentence reduction credits earned and retained during that time shall be credited:

(1) For offenses committed before July 1, 2024, toward the defendant's expiration of sentence; and

(2) For offenses committed on or after July 1, 2024, toward the defendant's release eligibility date for release on parole but shall not alter the sentence expiration date.

SECTION 6. Tennessee Code Annotated, Section 40-35-501(y)(1), is amended by deleting the subdivision and substituting:

(A) For the offenses listed in subdivision (y)(2) committed on or after July 1, 2021, but before July 1, 2024, there shall be no release eligibility until the person has served eighty-five percent (85%) of the sentence imposed by the court, less sentence credits earned and retained. However, sentence reduction credits authorized by § 41-21-236, or any other law, shall not operate to reduce below seventy percent (70%) the percentage of sentence imposed by the court such person must serve before becoming release eligible.

(B) For the offenses listed in subdivision (y)(2) committed on or after July 1, 2024, there shall be no release eligibility until the person has served eighty-five percent (85%) of the sentence imposed by the court, undiminished by sentence reduction credits earned and retained. However, sentence reduction credits authorized by § 41-21-236 or

any other law may reduce by up to fifteen percent (15%) the percentage of the sentence imposed by the court that the person must serve before becoming eligible for release on parole but shall not alter the sentence expiration date.

SECTION 7. Tennessee Code Annotated, Section 40-35-501(z), is amended by deleting the last sentence of the subsection and substituting:

However, sentence reduction credits authorized by § 41-21-236 or any other law shall not:

- (1) For offenses committed before July 1, 2024, reduce the mandatory minimum sentence imposed by the court by more than fifteen percent (15%); and
- (2) For offenses committed on or after July 1, 2024, reduce by more than fifteen percent (15%) the percentage of the sentence imposed by the court that the person must serve before becoming eligible for release on parole and shall not alter the sentence expiration date.

SECTION 8. Tennessee Code Annotated, Section 41-21-236(a)(2)(A)(i), is amended by deleting the subdivision and substituting:

(i) Each inmate who exhibits good institutional behavior or who exhibits satisfactory performance within a program may be awarded time credits.

(a) The sentence reduction credits shall be used to reduce the sentence imposed for inmates serving a sentence:

- (1) That was imposed for an offense that occurred before July 1, 2024; or
- (2) Of less than two (2) years for an offense that occurred on or after July 1, 2024.

(b) The sentence reduction credits shall be used to reduce the time an inmate must serve before becoming eligible for release on parole and shall not

alter the sentence expiration date for inmates who are serving a sentence of more than two (2) years for an offense that occurred on or after July 1, 2024.

SECTION 9. Tennessee Code Annotated, Section 41-21-236(b), is amended by deleting the subsection and substituting:

(b)

(1) The allowances that can be awarded pursuant to this section shall be referred to as inmate sentence reduction credits.

(2) For sentences of less than (2) years or for offenses committed before July 1, 2024, sentence reduction credits shall affect release eligibility and sentence expiration dates in the same manner as time credits affected parole eligibility and sentence expiration dates prior to September 1, 1980.

(3) For sentences of more than (2) years for offenses committed on or after July 1, 2024, sentence reduction credits shall affect eligibility for release on parole and shall not alter the sentence expiration date.

SECTION 10. Tennessee Code Annotated, Section 41-21-236(j), is amended by deleting the subsection and substituting:

(j)

(1) As used in this section, "sentence reduction credits" or "sentence credits" include:

(A) For sentences of less than two (2) years or for offenses committed before July 1, 2024, any credit, whether called that or not, that results in a reduction of the amount of time an inmate must serve on the original sentence or sentences; and

(B) For sentences of more than two (2) years for offenses occurring on or after July 1, 2024, any credit, whether called that or not,

that results in a reduction of the amount of time an inmate must serve before becoming eligible for release on parole.

(2) This section is applicable notwithstanding the powers granted pursuant to this title to reduce prison overcrowding.

SECTION 11. This act takes effect July 1, 2024, the public welfare requiring it.