



February 23, 2021

SUMMARY OF ORIGINAL BILL: Requires a person convicted of first degree murder in outlined circumstances to be sentenced to imprisonment for life without possibility of parole or death. Outlines jury considerations for imposing such sentences.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003894): Adds language to the original bill such that the only substantive change is to update jury instruction information in first degree murder sentencing hearings to specify that a defendant is not eligible for parole until the defendant has served at least 51 years of the sentence if sentenced to life in prison.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation specifies that a person convicted of first degree murder shall be sentenced to imprisonment for life without possibility of parole or death if the jury unanimously determines that the state has proven beyond a reasonable doubt that the murder was committed against any of the following individuals that was engaged in the performance of official duties and the defendant knew or reasonably should have known that such individuals were engaged in the performance of official duties:
 - Law enforcement officer;
 - Correctional officer;
 - Department of Correction (DOC) employee;
 - Probation and parole officer;
 - Emergency medical or rescue worker;
 - Emergency medical technician;
 - Paramedic; or
 - Firefighter
- Pursuant to Tenn. Code Ann. § 39-11-117(a)(1), first degree murder is one class above a Class A felony offense.

- Based on information provided by the DOC, the average time served over the past five years for first degree murder was 23.1 years.
- The proposed legislation applies to offenses committed on or after July 1, 2021.
- Requiring individuals convicted of first degree murder in the outlined circumstances to be sentenced to imprisonment for life without possibility of parole or death may lead to additional incarceration costs sometime after July 1, 2044; however, the number of such additional convictions as a result of this legislation is estimated to be not significant, and thus, the fiscal impact from enhancing the penalty for such crimes is estimated to be not significant.
- In *Cyntoia Brown v. Carolyn Jordan* M2018-01415-SC-R23-CO (Tenn. 2018), the Tennessee Supreme Court concluded that an individual sentenced to life in prison under Tenn. Code. Ann. § 39-13-202(c)(3) receives a determinate 60 year sentence that may be reduced by up to 15 percent with eligible sentence credits.
- Any fiscal impact resulting from revising jury instructions to reflect that a defendant who receives a sentence of imprisonment for life is not eligible for parole consideration until the defendant has served at least 51 years [60 years x (100% - 15%)] is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Bojan Savic, Interim Executive Director

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