

HOUSE BILL 735

By Miller

AN ACT to amend Tennessee Code Annotated, Title 37;  
Title 40 and Title 41, relative to public health  
emergency credits.

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

SECTION 1. Tennessee Code Annotated, Section 41-21-236, is amended by adding  
the following new subsection:

(k)

(1) In addition to any other credits awarded pursuant to this section, whenever a  
state of emergency has been declared by the governor due to a public health emergency  
and is in effect, the commissioner of correction shall award inmates public health  
emergency credits in accordance with this subsection (k) if the public health emergency:

(A) Arises as a result of a communicable disease; and

(B) Results in the modification of correctional facility operations.

(2) Except as provided in subdivision (k)(4), public health emergency credits  
shall be awarded to any inmate in the custody of the department who:

(A) Is serving a sentence; and

(B) Is scheduled to be released from custody within twelve (12) months.

(3) Public health emergency credits pursuant to this subsection (k) must be  
awarded at the rate of four (4) months for each month, or portion thereof, served during  
the declared emergency. An inmate shall not be awarded public health emergency  
credits in excess of eight (8) months for any declared emergency.

(4) Public health emergency credits must not be awarded to an inmate who is serving a sentence of incarceration for a sexual offense or violent sexual offense, as defined in § 40-39-202.

(5) Nothing in this section limits or affects an inmate's eligibility for parole consideration as provided for in § 40-35-501.

(6) An inmate who was in the custody of the department during the state of emergency declared by the governor in Executive Order 14 of 2020 concerning COVID-19, as defined in § 29-34-802(a), shall receive public health emergency credits in accordance with this section.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

(a) Whenever a state of emergency has been declared by the governor due to a public health emergency and is in effect, the commissioner of children's services shall award children who are committed to the department's custody for commission of a delinquent act or unruly conduct public health emergency credits in accordance with this section if the public health emergency:

(1) Arises as a result of a communicable disease; and

(2) Results in the modification of operations at the facility in which the juvenile is held.

(b) Except as provided in subsection (d), public health emergency credits shall be awarded to any child who:

(1) Is committed to the department's custody for commission of a delinquent act or unruly conduct; and

(2) Is scheduled to be released from the department's custody within twelve (12) months.

(c) Public health emergency credits pursuant to this section must be awarded at the rate of four (4) months for each month, or portion thereof, served during the declared emergency. A child shall not be awarded public health emergency credits in excess of eight (8) months for any declared emergency.

(d) Public health emergency credits must not be awarded to a child who has been committed to the department's custody for conduct that would be a sexual offense or violent sexual offense, as defined in § 40-39-202, if committed by an adult.

(e) A child who was in the custody of the department during the state of emergency declared by the governor in Executive Order 14 of 2020 concerning COVID-19, as defined in § 29-34-802(a), shall receive public health emergency credits in accordance with this section.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to inmates and children in state custody on and after that date.