

HOUSE BILL 1128

By Hazlewood

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2 and Section 40-35-501, relative to life sentence parole eligibility.

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

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

(A) Notwithstanding subsection (i), release eligibility for each defendant receiving a sentence of imprisonment for life for first degree murder, shall occur after service of sixty percent (60%) of sixty (60) years less sentence credits earned and retained by the defendant, but in no event shall a defendant sentenced to imprisonment for life for first degree murder be eligible for parole until the defendant has served a minimum of twenty-five (25) full calendar years of the sentence, notwithstanding the governor's power to reduce prison overcrowding pursuant to title 41, chapter 1, part 5, any sentence reduction credits authorized by § 41-21-236, or any other provision of law relating to sentence credits. A defendant receiving a sentence of imprisonment for life for first degree murder shall be entitled to earn and retain sentence credits, but the credits shall not operate to make the defendant eligible for release prior to the service of twenty-five (25) full calendar years.

(B) The department of correction shall notify any inmate who was sentenced to imprisonment for life for first degree murder, where the offense occurred prior to July 1, 2019, that the inmate is eligible for an earlier release eligibility date pursuant to subdivision (h)(1)(A). The inmate may execute a written request for eligibility on a form promulgated and provided by the department, which makes the inmate eligible for

application of all statutory sentence reduction credits and parole consideration under the terms of this subdivision (h)(1)(B), but in no event shall the inmate be eligible for parole until the inmate has served the full calendar mandatory minimum specified in subdivision (h)(1)(A). The request, once executed, is not subject to revocation.

(C) Nothing in this subdivision applies to a person sentenced to death or to life without possibility of parole under § 39-13-204.

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i)(2)(A), is amended by deleting the subdivision and substituting instead:

(A) Murder in the first degree, with a sentence of life without parole;

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.