

HOUSE BILL 2226

By White M

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 39 and Title 40, relative to criminal
sentencing.

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

SECTION 1. Tennessee Code Annotated, Section 39-13-204(e)(2), is amended by deleting the second and third sentences and substituting instead the following:

The jury shall be instructed that a defendant who receives a sentence of imprisonment for life without possibility of parole shall never be eligible for release on parole. The jury shall also be instructed that a defendant who receives a sentence of imprisonment for life shall not be eligible for parole consideration until:

(A) The defendant has served at least fifty-one (51) full calendar years of the sentence if the defendant was eighteen (18) years of age or older at the time the offense was committed; or

(B) The defendant has served at least five (5) full calendar years of the sentence if the defendant was less than eighteen (18) years of age at the time the offense was committed.

SECTION 2. Tennessee Code Annotated, Section 37-1-134(a)(1), is amended by deleting the last sentence and substituting instead the following:

The district attorney general may not seek, nor may any child transferred under this section receive, a sentence of death for the offense for which the child was transferred. A child transferred for first degree murder under this section who receives a sentence of imprisonment for life shall be eligible for parole consideration as provided in § 39-13-204(e)(2)(B).

SECTION 3. Tennessee Code Annotated, Section 40-35-501(i), is amended by adding the following new subdivision:

Notwithstanding subsection (h) or subdivision (1) of this subsection, release eligibility for a defendant who receives a sentence of imprisonment for life for first degree murder for an act committed when the defendant was less than eighteen (18) years of age shall occur after service of thirty-three and thirty-three one-hundredths percent (33.33%) of fifteen (15) years less sentence reduction credits earned and retained by the defendant.

SECTION 4. Tennessee Code Annotated, Section 40-35-111, is amended by adding the following as a new subsection:

Notwithstanding any law to the contrary, the maximum term of imprisonment that may be imposed upon a defendant who was less than eighteen (18) years of age at the time the offense was committed is fifteen (15) years.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.