

HOUSE BILL 3198

By Coley

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to sentencing and service of
sentence in certain criminal cases.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by deleting the word “or” at the end of subdivision (i)(2)(N), by deleting the period “.” at the end of subdivision (i)(2)(O), and substituting instead the language “; or” and by adding the following new subdivisions to subdivision (i)(2):

(P) Carjacking; or

(Q) Especially aggravated burglary.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

Section 40-35-506

(a) Notwithstanding this part, the sentence or sentences of a person receiving one (1) or more concurrent or separate sentences of confinement to the department of correction shall expire on the person’s sixty-fifth birthday and such person shall be released from confinement if:

(1) The person is not eligible for release from the longest sentence being served until a date after the person’s sixty-fifth birthday;
and

(2) The person has served at least fifteen (15) consecutive calendar years of the sentence or sentences imposed.

(b)

(1) If subsection (a) is applicable to a person except the person will not have served fifteen (15) consecutive calendar years of the sentence or sentences imposed prior to or by the person's sixty-fifth birthday, such person's sentence or sentences shall expire and such person shall be released from confinement upon service of fifteen (15) consecutive calendar years of the sentence or sentences imposed.

(2) This subsection (b) does not apply if the person's:

(A) Sentence or sentences expire prior to service of fifteen (15) consecutive calendar years; or

(B) Release eligibility date occurs and the person is released prior to service of fifteen (15) consecutive calendar years.

(c) This section shall:

(1) Apply if the person is serving concurrent sentences or a single sentence;

(2) Not apply to sentences ordered by the court or required by law to be served consecutively;

(3) Not apply to a person sentenced to or serving a sentence for the offense of murder in the first degree under § 39-13-202; or

(4) Not apply to anyone sentenced to or serving a sentence for a sexual offense or violent sexual offense as defined in § 40-39-202.

(d) Any person convicted and sentenced prior to the effective date of this act may elect to come within its provisions by so stating in an affidavit filed with the department of correction and sentencing court.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.