

SENATE BILL 1327

By McNally

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2 and Title 40, Chapter 35, Part 5, relative to sentencing and service of sentence for persons convicted of murder in the first degree.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(t) There shall be no release eligibility for a person committing the offense of first degree murder and sentenced to life imprisonment, on or after July 1, 2015. The person shall serve one hundred percent (100%) of the sentence imposed by the court if, at the person's sentencing hearing, the court found:

(1) The murder was especially heinous, atrocious, or cruel, in that it involved torture or serious physical abuse beyond that necessary to produce death; or

(2) During the course of the murder, one (1) or more of the victims was kidnapped and the person being sentenced was not charged with any degree of kidnapping.

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

(A) Murder in the first degree, unless subsection (t) is applicable;

SECTION 3. Tennessee Code Annotated, Section 39-13-202, is amended by adding the following new subsection:

(e)

(1) At the sentencing of anyone convicted of murder in the first degree and sentenced to life imprisonment, the state may introduce evidence that one (1) or both of the circumstances described in subdivision (2) was applicable to the person being sentenced. The court shall conduct a hearing on the evidence and the person being sentenced has the right to rebut the evidence. The state shall give notice ten (10) days prior to sentencing that it intends to introduce evidence, pursuant to this subsection (e). At the conclusion of the hearing, the court shall state on the record that neither of the circumstances were proven, one (1) of the circumstances was proven, or both circumstances were proven. If one (1) or both of the circumstances are proven, the person's sentence shall include that § 40-35-501(t) is applicable to the person.

(2) The circumstances making § 40-35-501(t) applicable to a person being sentenced to life imprisonment for murder in the first degree are:

(A) The murder was especially heinous, atrocious, or cruel, in that it involved torture or serious physical abuse beyond that necessary to produce death; or

(B) During the course of the murder, one (1) or more of the victims was kidnapped and the person being sentenced was not charged with any degree of kidnapping.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all persons convicted of murder in the first degree on or after that date.