

SENATE BILL 1757

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 3;
Title 40 and Title 41, relative to the select
oversight committee on corrections.

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

SECTION 1. Tennessee Code Annotated, Title 3, is amended by adding the following
new chapter:

3-15-101.

(a) There is created the select oversight committee on corrections, referred to in
this chapter as "oversight committee", to:

- (1) Improve planning for facilities and programs;
- (2) Create a better working environment for correction management; and
- (3) Ensure implementation of proposed improvements in the correctional
system.

(b)

(1) The oversight committee is composed of eleven (11) members, with
four (4) members appointed by the speaker of the senate, four (4) members
appointed by the speaker of the house of representatives, and three (3) members
appointed jointly by the speakers of the house of representatives and senate. All
oversight committee members must be members of the general assembly.

(2) The initial members' terms of office commences upon appointment.
For purposes of calculating the initial terms of the members' offices, the initial
appointments are deemed to be made on November 3, 2020. The initial
members' terms are staggered as follows:

(A) The speaker of the house of representatives' appointees shall serve initial terms of two (2) years;

(B) The speakers of the house of representatives and senate joint appointees shall serve initial terms of three (3) years; and

(C) The speaker of senate's appointees shall serve initial terms of four (4) years.

(3) After the initial terms, members of the oversight committee shall serve four-year terms and are eligible to serve two (2) four-year terms in succession; provided, however, appointments and reappointments are consistent with terms of office for the senate and the house of representatives.

(4) The term of any member terminates at the time the member ceases to hold a legislative office, and the member's successor is appointed pursuant to this subsection (b).

(5) Vacancies must be filled in the same manner as the vacating member's office was originally filled.

3-15-102.

(a) The oversight committee shall elect from its membership a chair, a vice chair, and other officers as the oversight committee deems necessary.

(b) The oversight committee may:

(1) Create subcommittees related to its duties;

(2) Request that any standing committee of the general assembly, the fiscal review committee, or any agency study certain aspects of the correctional system and report their findings to the oversight committee;

(3) Conduct hearings;

(4) Enter into contracts for technical or professional services, subject to the availability of funds. The speaker of the senate and the speaker of the house of representatives shall jointly determine the qualifications and task or job

descriptions of any consultant or other person contracted for such services, and shall jointly select the consultant or other person on behalf of the oversight committee; and

(5) Perform other duties as required in accordance with this chapter.

3-15-103.

(a) The oversight committee shall meet at least quarterly and at the call of the chair. The speaker of the senate shall call the first meeting of the oversight committee to order.

(b) A member of the oversight committee is entitled to be reimbursed for the member's expenses for each day the member attends a meeting of the oversight committee or subcommittee in the same manner as the member is paid for attending legislative meetings pursuant to § 3-1-106; provided, that a member shall not receive additional legislative compensation when the general assembly is in session or if the member is being paid by any other payment on the same date for attendance on other state business.

3-15-104. The oversight committee shall transmit a report of its activities to each member of the general assembly no later than January 15 of each year.

3-15-105.

(a) It is the intent of the general assembly that corrections-related plans are made carefully and viewed thoroughly to ensure that new programs achieve the oversight committee's intended purposes, that new facilities are needed and are designed properly, and that the general assembly and the public can have confidence that this state will deliver a correctional system that is effective and efficient.

(b) The oversight committee shall review proposed expenditures for the department of correction and provide comments on proposed expenditures appropriately, with respect to the following:

(1) Any proposed expenditure of funds to implement new programs or expand existing programs, any administrative or management changes requiring additional expenditures, and any proposed expenditure for expanding or otherwise changing the operation of any correctional facility or for beginning the operation of any new facility must be filed in writing by the commissioner of correction with the oversight committee and may be reviewed by the oversight committee. After any review, the oversight committee may provide comments to the commissioner of finance and administration on the proposed expenditures; provided, that the comment is made within thirty (30) days from the date the oversight committee received the proposal for expenditures. If expenditures are made before the oversight committee has provided comments, if any, or if expenditures are made that are inconsistent with the comments of the oversight committee, the commissioner of finance and administration shall explain in writing the reasons for making the expenditures to each member of the general assembly; and

(2) The commissioner of correction shall file in writing any proposed plans, for capital expenditures for maintenance or renovations of existing correctional facilities; construction of new facilities; or the purchase of equipment to be used in facilities, with the oversight committee at the same time the commissioner files the plan with the state building commission. The oversight committee may review the plan and, after the review, provide comments to the state building commission on the proposed capital expenditures. The state

building commission is encouraged to consider the oversight committee's comments, if any, in making the commission's decision.

3-15-106. The oversight committee shall receive information and assistance from the department of correction, entities in the criminal justice system, and any other state governmental entity, upon the oversight committee's request.

3-15-107. The oversight committee shall review regularly, or at least annually, the following programs, functions, and activities of the department of correction:

(1) The classification and reclassification, including determinations of how inmates are assigned to various security and custody levels; how inmates are assigned to various work, education, or training programs; how inmates are provided various treatment programs; how other programs are provided to inmates; or other matters related to classification and assignment of inmates;

(2) The capacity of institutions and other programs, including planning to meet future needs; consideration of alternative uses of existing facilities or programs; or other related matters;

(3) The industrial, agricultural, or other programs designed to provide activity for inmates, including conditions of eligibility; performance standards and incentive programs; planning of work programs, including estimating capital needs, demand for products, or services produced, and determining where and how programs will be offered; or other related matters;

(4) The education and training programs for inmates, including eligibility; performance standards and incentive programs; planning of programs and estimating capital needs and inmate demand; or other related matters;

(5) The release programs, including eligibility conditions and effects; regular parole; early release programs such as "emergency release," "safety valve," release under contract sentencing, work release, clemency, or pardon; or other programs;

(6) The alternative sentencing programs, including community corrections; victim restitution programs; or other programs;

(7) The local jails, including determining costs and level of state payment for housing felons; state programs for funding renovation and construction; standards and monitoring compliance; long-term planning; or other related matters;

(8) The provision of services, facilities, or programs by private contractors;

(9) The staffing within the department of correction, including recruitment, selection, training, compensation, discipline, or other matters;

(10) The management, including planning; budgeting; information systems; organizational structure; rules and regulations; department policies and procedures; or other related matters; and

(11) Any other matters considered material.

3-15-108.

(a) The clerks of the house of representatives and senate shall notify the chair of the oversight committee of a bill that is within the scope of review of the oversight committee and transmit a copy of the bill to the oversight committee when the bill is referred to the appropriate standing committee. The chair or the chair's designee of the appropriate standing committee shall be notified of the date, time, and location the oversight committee will meet to review a bill that is assigned to the appropriate standing committee, and the chair or the chair's designee of the appropriate standing committee is an ex officio member of the oversight committee when the bill is considered by the oversight committee.

(b) The oversight committee shall review all bills transmitted to the oversight committee as provided in subsection (a). The oversight committee may attach comments to the bill prior to the bill's consideration by the appropriate standing committee. The sole purpose of the oversight committee to review a correction-related bill is to assist the standing committee by providing appropriate background information of the bill or information concerning the impact of the bill on the correctional system. The oversight committee shall not make a recommendation concerning the passage of a bill the oversight committee reviews nor shall the oversight committee have the authority to prevent the consideration of a bill by the standing committee to which the bill is referred. The oversight committee's review of all bills transmitted to it pursuant to subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee no later than two (2) weeks after receipt of the bill from the clerk.

(c) Upon completion of the review process within the time established in subsection (b), the chair of the oversight committee shall send written notice to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. The oversight committee shall attach any comments regarding the reviewed bill with the notice to the chair of the standing committee. If the oversight committee reviews a bill but provides no comment on the bill, then the chair of the oversight committee shall notify the chair of the appropriate standing committee of the oversight committee's actions. If the bill is referred to the oversight committee for review but the bill has not been reviewed within the time period established in subsection (b), then the chair of the oversight committee shall notify the appropriate standing committee chair that the bill has not been reviewed but is ready for consideration by the standing committee.

3-15-109.

(a) The oversight committee shall continue only until the operations of the department of correction have improved to the point that oversight is no longer needed. It is the intent of the general assembly that improvement of such operations is accomplished in a timely manner.

(b) The oversight committee is subject to termination every four (4) years from June 30, 2020, unless the oversight committee is continued by the general assembly.

(c) The office of the comptroller of the treasury shall conduct a performance evaluation of the oversight committee every four (4) years.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.