

SENATE BILL 1865

By Tate

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 adding the following language to the end of the subdivision:

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) If the defendant was over eighteen (18) years of age at the time the offense was committed, the defendant has served at least fifty-one (51) full calendar years of the sentence; or

(B) If the defendant was less than eighteen (18) years of age at the time the offense was committed, the defendant has served at least thirty (30) full calendar years of the sentence.

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 under this section who receives a sentence of imprisonment for life

for first degree murder shall not be eligible for parole consideration until the defendant has served at least thirty (30) full calendar years of the sentence.

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

(4) 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 that was committed when the defendant was less than eighteen (18) years of age shall occur after service of sixty-five percent (65%) of sixty (60) years less sentence reduction credits earned and retained by the defendant. However, no sentence reduction credits authorized by § 41-21-236, or any other provision of law, shall operate to reduce below fifty percent (50%) the percentage of sentence imposed by the court the defendant must serve before becoming release eligible.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.