

SENATE BILL 2239

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 "the 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 committee shall be composed of seventeen (17) members, with
three (3) members to be appointed by the governor, seven (7) members to be
appointed by the speaker of the senate, and seven (7) members to be appointed
by the speaker of the house of representatives. All committee members shall be
members of the general assembly.

(2) The initial members' terms of office shall commence upon
appointment. For purposes of calculating the initial terms of the members'
offices, the initial appointments shall be deemed to be made on January 1, 2020.
The initial members' terms shall be staggered as follows:

(A) The gubernatorial appointees serve initial terms of two (2) years;

(B) The senate appointees serve initial terms of three (3) years; and

(C) The house of representatives appointees serve initial terms of four (4) years.

(3) After the initial terms, members of the committee serve four-year terms and are eligible to serve two (2) four-year terms in succession; provided, however, appointments and reappointments must be 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 legislative office, with the member's successor to be named pursuant to this subsection (b).

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

3-15-102.

(a) The committee shall elect from its membership a chair, a vice chair, and other officers as it considers necessary.

(b) The committee may:

(1) Create subcommittees related to its duties;

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

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

3-15-103.

(a) The committee shall meet at least quarterly and at the call of the chair. The first meeting of the committee is convened by the speaker of the senate.

(b) Members of the committee are entitled to be reimbursed for their expenses for each day they attend meetings of the committee or any subcommittees in the same manner as they are paid for attending legislative meetings pursuant to § 3-1-106; provided, that no member is to receive additional legislative compensation when the general assembly is in session or if a member is being paid any other payments on the same dates for attendance on other state business.

3-15-104. The 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 this chapter that plans be made carefully and viewed thoroughly to ensure that new programs achieve their intended purposes, that new facilities are needed and are designed properly, and that the general assembly and the public can have confidence that the state will deliver a correctional system that is efficient and effective.

(b) The committee shall review proposed expenditures for corrections and shall make its comments on proposed expenditures in a timely fashion according to the following:

(1) Any proposed expenditure of funds to implement new programs or to 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 committee and may be reviewed by the committee. After any review, the committee may comment to the commissioner of finance and administration on the proposed expenditures; provided, that the comment must be made within thirty (30) days after receipt by the committee of the proposal for expenditures. If expenditures are made before the committee has made its comments, if any, or if expenditures are made that are inconsistent with the comments of the committee, the commissioner of finance and administration shall explain in writing the reasons for making the expenditures to the committee and to each member of the general assembly; and

(2) 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 must be filed in writing by the commissioner of correction with the committee at the same time it is filed with the state building commission. The committee has the authority to review the plans and, after its review, may comment to the state building commission on the proposed capital expenditures. The state building commission is encouraged to consider the committee's comments, if any, in making its decisions.

3-15-106. The department of correction, other agencies in the criminal justice system, and other agencies of state government must provide the committee with information and assistance, as requested by the committee.

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

(1) 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; and other matters related to classification and assignment of inmates;

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

(3) 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; and other related matters;

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

(5) 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; and other related programs;

(6) Alternative sentencing programs, including community corrections; victim restitution programs; and other related programs;

(7) 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; and other related matters;

(8) Provision of services, facilities, and programs by private contractors;

(9) Staffing within the department of correction, including recruitment, selection, training, compensation, discipline, and other related matters;

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

(11) Any other programs, functions, and activities considered relevant by the committee.

3-15-108.

(a) When a bill is introduced in the general assembly that will impact or potentially impact any area within the scope of review of the committee as set out in this chapter, the clerk shall, at the same time the bill is referred to the appropriate standing committee, notify the chair of the oversight committee of the bill and transmit a copy of the bill to the oversight committee. For purposes of participating in the discussions and comments of the committee, the chair or the chair's designee of the appropriate standing committee must be notified of the date, time, and location where the oversight committee will meet to review bills that have been assigned to the respective standing committee, and the chair or the chair's designee shall become an ex officio member of the oversight committee when the bill is considered by the oversight committee.

(b) In order to efficiently execute its duties under this chapter, the committee shall review all bills transmitted to it as provided in subsection (a) and may attach committee comments to the bill prior to its consideration by the appropriate standing committee. The sole purpose of review by the committee is to assist the standing committee in its consideration of corrections-related bills by providing appropriate background information on the bill or information concerning the impact of the bill on the correctional system. The committee shall make no recommendation concerning the

passage of a bill it reviews nor shall it have the authority to prevent the consideration of the bill by the standing committee to which it is referred. The committee's review of all bills transmitted to it pursuant to subsection (a) must 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) The chair of the committee shall send written notification of the completion of the review process to the chair of the appropriate standing committee within the time limitation established in subsection (b), indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the committee has prepared committee comments on a bill, the comments must be attached to the notification to the chair of the standing committee. If the committee has reviewed a bill but has no committee comments, that must be indicated in the notification to the chair. If a bill is referred to the committee for review but has not been reviewed within the time period set out in subsection (b), the chair 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 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 be accomplished in a timely manner.

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

(c) The respective speakers shall reappoint or appoint new members to the committee for each subsequent regular session of the general assembly for the duration of the committee.

(d) The office of the comptroller of the treasury shall conduct a performance evaluation of the committee prior to the committee's termination.

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