

SENATE BILL 2809

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to the "Tennessee Earning Safe Reentry  
Through Work Act."

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

SECTION 1. This act is known and may be cited as the "Tennessee Earning Safe Reentry Through Work Act."

SECTION 2. Tennessee Code Annotated, Section 40-28-301, is amended by adding the following new subdivision:

( ) "Remote reporting" means a virtual, cellular, or other approved tele-communicative method used by a probationer to contact and report to a probation and parole officer for a meeting that is required as a condition of probation;

SECTION 3. Tennessee Code Annotated, Section 40-28-304, is amended by deleting the section and substituting instead the following:

For individuals placed on supervised probation, the judge of the court having jurisdiction over the case shall determine the conditions of community supervision, which shall include as a condition that the department supervising the individual may, in accordance with § 40-28-305, impose graduated sanctions adopted by the department for violations of the conditions of community supervision. If the court requires a person on community supervision to report to a probation and parole officer, then such reporting requirements may be fulfilled through remote reporting if approved by the probation and parole officer or the court. The probation and parole officer shall schedule meetings that are required as a condition of probation at times and locations that take into consideration and accommodate the person on community supervision's work schedule,

family caregiver obligations, and medical care unless doing so would cause a threat to public safety.

SECTION 4. Tennessee Code Annotated, Title 40, Chapter 28, is amended by adding the following as a new part:

**40-28-701.**

As used in this part:

(1) "Eligible employment" means any occupation or combination of occupations for which an offender can provide documentation of verifiable wage-earning hours in the amount of at least one hundred and thirty (130) hours per thirty-day period;

(2) "Supporting documentation" means employment records, pay stubs, employment letters, contracts, or similarly reliable methods of employment verification, as determined by the administrative office of the courts;

(3) "Work for time credit" means a credit that is equal to a one-day reduction in a probationer's sentence that can be accrued for maintaining eligible employment; and

(4) "Working days" means a business day that does not include Saturday, Sunday, or a state or federal holiday.

**40-28-702.**

Each person on probation or parole who maintains eligible employment shall accrue work for time credits under the following conditions:

(1) The person must provide supporting documentation of eligible employment to the officer responsible for the person's supervision within five (5) working days of the conclusion of each thirty-day period in which the person maintains eligible employment;

(2) The officer shall verify the person's eligible employment through the supporting documentation and any other means that the division of probation and parole determines necessary. The officer shall enter the supporting documentation into and

record the person's accrual of all work for time credits in the offender management system within five (5) working days of verifying the person's eligible employment;

(3) A person shall accrue thirty (30) work for time credits for every thirty-day period in which the person maintains eligible employment, except for the sixty-day period immediately prior to the person's adjusted sentence end date during which no work for time credits shall accrue;

(4) Upon the revocation of probation or parole or a new criminal conviction, the person forfeits all work for time credit previously accrued; and

(5) A person shall not receive work for time credits if the person's supporting documentation is unverifiable, inaccurate, or absent from the offender management system. If a request for work for time credits is denied, the officer shall record the reason for the denial of work for time credits in the offender management system.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 6. This act takes effect January 1, 2023, the public welfare requiring it.