



February 10, 2024

**SUMMARY OF BILL:** Prohibits sentence reduction credits from altering the sentence expiration date for an inmate with a felony sentence of two years or more for an offense committed on or after July 1, 2024.

Authorizes sentence reduction credits to reduce the percentage of the sentence imposed by the court that the person is required to serve before becoming eligible for release on parole.

Requires a defendant released on or following the release eligibility date to serve the remainder of the actual sentence imposed on parole.

**FISCAL IMPACT:**

**Other Fiscal Impact – Due to a number of unknown factors, the extent and timing of any fiscal impact to state expenditures associated with a change in sentence reduction credits resulting from the proposed legislation cannot be quantified.**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-35-501(a), an inmate is not eligible for parole until reaching the inmate's release eligibility date.
- Pursuant to Tenn. Code Ann. § 40-35-501(n), the release eligibility date is the earliest date an inmate convicted of a felony is eligible for parole. The date is conditioned on the inmate's good behavior while in prison. For a violation of any of the rules of the Department of Correction (DOC) or institution in which the inmate is incarcerated or while on any release program other than parole, the Commissioner of DOC or the Commissioner's designees may defer the release eligibility date so as to increase the total amount of time an inmate is required to serve before becoming eligible for parole.
- Pursuant to Tenn. Code Ann. § 41-21-236(2), an inmate committed to the custody of the DOC who exhibits good institutional behavior or who exhibits satisfactory performance may be awarded time credits toward the sentence imposed at a rate up to eight days for each month served for good institutional behavior and up to eight days for each month served for satisfactory program performance, in accordance with criteria established by the DOC, and review by the Inmate Disciplinary Oversight Board (Board).
- Sentence reduction credits reduce the expiration date of a sentence and allow an offender to be:

- Discharged from incarceration upon serving the required percentage of the sentence imposed, with the remainder of the sentence dismissed; or
- Discharged from parole prior to the full sentence expiration.
- Based on information provided by the DOC, over the last 10 years, an average of 2,194 offenders each year were discharged from incarceration prior to the full expiration of the sentence with the remainder of their sentence dismissed, as follows:

<b>Discharged from Incarceration Prior to Full Expiration of Sentence</b>		
Felony Class	Number of Offenders	Amount of Time Left on Sentence
A	123	3.38 years
B	392	2.21 years
C	979	1.37 years
D	487	0.99 years
E	214	0.84 years

- Based on information provided by the DOC, over the last 10 years, an average of 1,596 offenders each year were discharged from parole prior to the full expiration of the sentence, as follows:

<b>Discharged from Parole Prior to Full Expiration of Sentence</b>		
Felony Class	Number of Offenders	Amount of Time Left on Sentence
A	55	3.37 years
B	445	1.86 years
C	703	1.18 years
D	301	0.91 years
E	92	0.88 years

- The proposed legislation will result in:
  - Some offenders becoming parole eligible sooner;
  - Some offenders who were released at their eligibility date and not required to be on parole will now be required to serve out any remaining time on parole;
  - Some offenders serving 100 percent of the sentence imposed by the court incarcerated without being released on parole; and
  - Some offenders remaining on parole for longer periods of time.
- Any reduction in the percentage of a sentence a person is required to serve before becoming eligible for release on parole, as a result of sentence reduction credits pursuant to the proposed legislation, is dependent upon the amount of credit the Board determines an inmate should be awarded upon the Board's review.
- There will be significant increases in state expenditures to accommodate longer incarceration times and parolees being supervised for longer periods of time; however, the extent and timing of any fiscal impact to state expenditures associated with a change

in sentence reduction credits resulting from the proposed legislation cannot be quantified.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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