

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2832 - SB 2756

March 7, 2024

SUMMARY OF BILL: Authorizes an inmate to file a motion with a court of competent jurisdiction upon the completion of 50 percent of the inmate's incarcerated sentence for review to reduce their incarcerated sentence.

Authorizes an inmate to request a review of their incarcerated sentence by a court of competent jurisdiction with proof of extraordinary and compelling circumstances, including non-retroactive changes of the law, racial disparity in the sentence, medical issues, and the fact that the inmate was sentenced as a juvenile. States that the approval of the review is subject to the discretion of a court of competent jurisdiction and the recommendation of the applicable District Attorney General.

Authorizes a court to reduce an inmate's incarcerated sentence upon review of a request or motion.

Requires the Department of Correction (DOC) to: (1) promulgate rules to effectuate this legislation; and (2) create and make accessible to inmates in all correctional facilities, the request forms to effectuate the proposed legislation.

FISCAL IMPACT:

Other Fiscal Impact – Any increase in expenditures to the court system is dependent upon multiple unknown factors and cannot be reasonably quantified.

To the extent a hearing is held and an inmate's sentence is reduced, there will be a reduction in state incarceration expenditures. The timing and amount of any sentence reduction is unknown and unable to be determined with reasonable certainty.

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-35-212, the court retains full jurisdiction over a defendant sentenced to the DOC during the time the defendant is being housed in a local jail or workhouse awaiting transfer to the DOC. This jurisdiction continues until the defendant is actually transferred to the physical custody of the DOC.

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- Pursuant to Rule 35 of the Tennessee Rules of Criminal Procedure, the trial court may reduce a sentence upon a motion filed within 120 days after the date the sentence is imposed or probation is revoked. The motion to modify a sentence is required to be filed within 120 days of the date of the trial court's imposition of sentence. No extensions are allowed on the time limitation.
- According to the DOC, there were approximately 25,217 felons incarcerated in FY22-23.
- Authorizing an inmate to file a motion for review to reduce a sentence of incarceration will result in additional filings in the state trial courts and an increase to their caseloads. The extent and timing of any such increase cannot be determined and is based on the rules promulgated by the DOC and the number of inmates who file a motion for review.
- To the extent a court does not adhere to Rule 35, authorizing a court to reduce an inmate's incarcerated sentence upon review of a request or motion may lead to a decrease in incarceration costs. Any decrease in incarceration expenditures is dependent upon multiple unknown factors, including but not limited to, the number of inmates who may file a motion for review of sentence, the amount of time each inmate has left on their sentence at the time of review, and whether or not a court reduces an inmate's sentence. The extent and timing of any such decrease cannot be determined with reasonable certainty.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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