

HOUSE BILL 32

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 28 and Title 40, Chapter 35, relative to eligibility for parole.

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

SECTION 1. Tennessee Code Annotated, Section 40-28-115, is amended by adding the following as new subsections:

() Notwithstanding this section or chapter 35, part 5 of this title to the contrary, an inmate who is terminally ill or elderly is eligible for parole.

() As used in this section:

(1) "Elderly" means an inmate who:

(A) Is not less than sixty-five (65) years of age;

(B) Is not a career offender, as defined in § 40-35-108;

(C) Has not escaped, or attempted to escape from an institution;

(D) Has been determined by the board to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released; and

(E) Is not serving time for the following offenses:

(i) First degree murder, pursuant to § 39-13-202;

(ii) Especially aggravated kidnapping, pursuant to § 39-13-305;

(iii) Aggravated kidnapping, pursuant to § 39-13-304;

(iv) Especially aggravated robbery, pursuant to § 39-13-403;

- (v) Aggravated rape, pursuant to § 39-13-502;
- (vi) Rape, pursuant to § 39-13-503;
- (vii) Aggravated sexual battery, pursuant to § 39-13-504;
- (viii) Rape of a child, pursuant to § 39-13-522;
- (ix) Aggravated rape of a child, pursuant to § 39-13-531;
- (x) Aggravated arson, pursuant to § 39-14-302;
- (xi) Aggravated child abuse, aggravated child neglect, or endangerment, pursuant to § 39-15-402;
- (xii) Sexual exploitation of a minor involving more than one hundred (100) images, pursuant to § 39-17-1003;
- (xiii) Aggravated sexual exploitation of a minor involving more than twenty-five (25) images, pursuant to § 39-17-1004; or
- (xiv) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005; and

(2) "Terminally ill" means an inmate who:

- (A) Has been determined by a medical doctor to be:
 - (i) In need of care at a nursing home, intermediate care facility, or assisted living facility; or
 - (ii) Diagnosed with an illness that cannot be cured or adequately treated and is reasonably expected to result in the death of the inmate;
- (B) Is not a career offender, as defined in § 40-35-108;
- (C) Has not escaped, or attempted to escape from an institution;

(D) Has been determined by the board to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention; and

(E) Is not serving time for the following offenses:

- (i) First degree murder, pursuant to § 39-13-202;
- (ii) Especially aggravated kidnapping, pursuant to § 39-13-305;
- (iii) Aggravated kidnapping, pursuant to § 39-13-304;
- (iv) Especially aggravated robbery, pursuant to § 39-13-403;
- (v) Aggravated rape, pursuant to § 39-13-502;
- (vi) Rape, pursuant to § 39-13-503;
- (vii) Aggravated sexual battery, pursuant to § 39-13-504;
- (viii) Rape of a child, pursuant to § 39-13-522;
- (ix) Aggravated rape of a child, pursuant to § 39-13-531;
- (x) Aggravated arson, pursuant to § 39-14-302;
- (xi) Aggravated child abuse, aggravated child neglect, or endangerment, pursuant to § 39-15-402;
- (xii) Sexual exploitation of a minor involving more than one hundred (100) images, pursuant to § 39-17-1003;
- (xiii) Aggravated sexual exploitation of a minor involving more than twenty-five (25) images, pursuant to § 39-17-1004; or
- (xiv) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.