

HOUSE BILL 72

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 28, Part 1; Title 40, Chapter 35, Part 5 and Section 41-21-227(i), relative to chronically ill inmates.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following as a new subsection:

() Notwithstanding this part or title 40, chapter 28, part 1 to the contrary, the commissioner of correction may certify as eligible for parole a chronically debilitated or incapacitated inmate who:

(1) Is at least seventy (70) years of age;

(2) Has served a minimum of five (5) years in custody;

(3) Is not serving a sentence for a violent sexual offense, as defined in § 40-39-202, or a sentence of imprisonment for life without possibility of parole; and

(4) Has two (2) sworn statements from physicians, at least one (1) of whom is the department of correction's director of medical services, certifying that the condition of the inmate is chronic, incurable, and will likely result in the inmate's death.

SECTION 2. Tennessee Code Annotated, Section 41-21-227(i)(2)(A), is amended by deleting the subdivision and substituting the following:

(2)

(A) Subdivision (i)(1) applies only to inmates who, due to the inmate's chronically debilitated or incapacitated medical condition:

(i) Have a medical prognosis of mortality within one (1) year or less; or

(ii) Are no longer able to take care of themselves in a prison environment due to severe physical or psychological deterioration.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.