



State of Tennessee

PUBLIC CHAPTER NO. 282

HOUSE BILL NO. 72

By Representatives Lamberth, Gant, Hulsey, Powell, Crawford, Sherrell, Bricken, Ramsey, Wright, White, Carringer, Haston, Parkinson, Windle, Williams, Carr, Chism, Todd, Jernigan

Substituted for: Senate Bill No. 727

By Senators Johnson, Walley

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:

(1) 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:

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

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

(C) Is not serving a sentence for:

(i) A violent sexual offense, as defined in § 40-39-202; or

(ii) More than one (1) conviction for first degree murder, pursuant to § 39-13-202, or facilitation of first degree murder;

(D) Is not serving a sentence of imprisonment for life without possibility of parole; and

(E) 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.

(2) If a person is granted parole pursuant to this subsection (), the board of parole shall send the notice required by § 40-28-505(c) to the members of the general assembly who represent the district where the offender last resided prior to incarceration.

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.

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PASSED: April 12, 2021



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 30th day of April 2021



BILL LEE, GOVERNOR