

HOUSE BILL 652

By Faison

AN ACT to amend Tennessee Code Annotated, Title 3;
Title 40 and Title 41, relative to the select
oversight committee on corrections.

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

SECTION 1. Tennessee Code Annotated, Title 3, is amended by adding the following
new chapter:

3-15-101.

(a) There is created the select oversight committee on corrections, referred to in
this chapter as "the committee," to:

- (1) Improve planning for facilities and programs;
- (2) Create a better working environment for correction management;
- (3) Improve the health, safety, and security of prison staff and inmates;

and

- (4) Ensure implementation of proposed improvements in the correctional
system.

(b)

(1) The committee shall be composed of seventeen (17) members as
follows:

(A) Seven (7) members shall be appointed by the governor,
provided, that of the committee members appointed by the governor, at
least one (1) shall be a person who was formerly imprisoned in a
Tennessee state penitentiary, at least one (1) shall be an immediate
family member of a person who is currently imprisoned in a Tennessee

state penitentiary, at least one (1) shall be a former warden of a Tennessee state penitentiary, and at least one (1) shall be a qualified mental health professional as defined in § 33-1-101;

(B) Five (5) members shall be appointed by the speaker of the senate, not more than three (3) of whom shall be members of the same political party; and

(C) Five (5) members shall be appointed by the speaker of the house of representatives, not more than three (3) of whom shall be members of the same political party.

(2) All committee members appointed by the speaker of the senate and the speaker of the house of representatives shall be members of the general assembly.

(3) The membership of the committee shall appropriately reflect the racial and geographic diversity of this state.

(4) A person may not be a member of the committee if the person or the person's spouse:

(A) Is employed by or participates in the management of a business entity, organization, or facility receiving money from the department of correction or any business entity, organization, or facility affiliated with the department of correction;

(B) Owns, or controls, directly, or indirectly, any interest in a business entity, organization, or facility receiving money from the department of correction or any business entity, organization, or facility affiliated with the department of correction; or

(C) Uses or receives a substantial amount of tangible goods, services, or money from the department of correction or any business entity, organization, or facility affiliated with the department of correction,

other than reimbursement authorized by this chapter for oversight committee membership, attendance, or expenses.

(5) The initial members' terms of office shall commence upon appointment. For purposes of calculating the initial terms of the members' offices, the initial appointments shall be deemed to be made on January 1, 2018.

The initial members' terms shall be staggered as follows:

(A) The gubernatorial appointees shall serve initial terms of two (2) years;

(B) The senate appointees shall serve initial terms of three (3) years; and

(C) The house of representatives appointees shall serve initial terms of four (4) years.

(6) After the initial terms, members of the committee shall serve four-year terms and are eligible to serve two (2) four-year terms in succession; provided, however, appointments and reappointments shall be consistent with terms of office for the senate and the house of representatives for members who hold legislative office.

(7) The term of any member who holds legislative office shall terminate at the time the member ceases to hold legislative office, and the member's successor shall be named pursuant to this subsection (b).

(8) Vacancies shall be filled in the same manner as the vacating member's office was originally filled.

3-15-102.

(a) The committee shall elect from its membership a chair, a vice chair, and other officers as it considers necessary.

(b) The committee may:

(1) Create subcommittees related to its duties;

(2) Request that standing committees of the general assembly, the fiscal review committee, or other agencies study certain aspects of the correctional system and report their findings to the committee;

(3) Conduct hearings;

(4) Enter into contracts for technical or professional services, subject to the availability of funds. The speaker of the senate and the speaker of the house of representatives shall jointly determine the qualifications and task or job descriptions of any consultant or other person contracted for such services, and shall jointly select the consultant or other person on behalf of the committee; and

(5) Perform other duties as are required in accordance with this chapter.

3-15-103.

(a) The committee shall meet at least quarterly and at the call of the chair. The first meeting of the committee shall be convened by the speaker of the senate.

(b) Members of the committee are entitled to be reimbursed for their expenses, including travel expenses necessarily incurred in the discharge of their duties on the committee, and expenses for each day they attend meetings of the committee or any subcommittees in the same manner as they are paid for attending legislative meetings pursuant to § 3-1-106; provided, that no member shall receive additional legislative compensation when the general assembly is in session or if a member is being paid any other payments on the same dates for attendance on other state business.

3-15-104. The committee shall transmit a report of its activities to each member of the general assembly no later than January 15 of each year.

3-15-105.

(a) It is the intent of this chapter that plans be made carefully and viewed thoroughly to ensure that new programs achieve their intended purposes, that new facilities are needed and are designed properly, and that the general assembly and the public can have confidence that the state will deliver a correctional system that is effective and efficient.

(b) The committee shall review proposed expenditures for corrections and shall make its comments on proposed expenditures in a timely fashion according to the following:

(1) Any proposed expenditure of funds to implement new programs or expand existing programs, any administrative or management changes requiring additional expenditures, and any proposed expenditure for expanding or otherwise changing the operation of any correctional facility or for beginning the operation of any new facility shall be filed in writing by the commissioner of correction with the committee and may be reviewed by the committee. After any review, the committee may comment to the commissioner of finance and administration on the proposed expenditures; provided, that the comment shall be made within thirty (30) days after receipt by the committee of the proposal for expenditures. If expenditures are made before the committee has made its comments, if any, or if expenditures are made that are inconsistent with the comments of the committee, the commissioner of finance and administration shall explain in writing the reasons for making the expenditures to the committee and to each member of the general assembly; and

(2) Any proposed plans for capital expenditures for maintenance or renovations of existing correctional facilities, construction of new facilities, or the purchase of equipment to be used in facilities shall be filed in writing by the

commissioner of correction with the committee at the same time it is filed with the state building commission. The committee has the authority to review the plans and, after its review, may comment to the state building commission on the proposed capital expenditures. The state building commission is encouraged to consider the committee's comments, if any, in making its decisions.

3-15-106. The committee shall receive information and assistance from the department of correction, other agencies in the criminal justice system, and other agencies of state government, upon the committee's request.

3-15-107. The committee shall review regularly, or at least on an annual basis, the following programs, functions, and activities of the department of correction:

(1) Classification and reclassification, including determinations of how inmates are assigned to various security and custody levels; how inmates are assigned to various work, education, or training programs; how inmates are provided various treatment programs; how other programs are provided to inmates; or other matters related to classification and assignment of inmates;

(2) Capacity of institutions and other programs, including planning to meet future needs, consideration of alternative uses of existing facilities or programs, or other related matters;

(3) Industrial, agricultural, or other programs designed to provide activity for inmates, including conditions of eligibility; performance standards and incentive programs; planning of work programs, including estimating capital needs, demand for products, or services produced, and determining where and how programs will be offered; or other related matters;

(4) Education and training programs for inmates, including eligibility, performance standards and incentive programs, planning of programs and estimating capital needs and inmate demand, or other related matters;

(5) Release programs, including eligibility conditions and effects; regular parole; early release programs such as "emergency release," "safety valve," release under contract sentencing, work release, clemency, or pardon; or other programs;

(6) Alternative sentencing programs, including community corrections, victim restitution programs, or other programs;

(7) Local jails, including determining costs and level of state payment for housing felons; state programs for funding renovation and construction; standards and monitoring compliance; long-term planning; or other related matters;

(8) Provision of services, facilities, or programs by private contractors;

(9) Staffing within the department of correction, including recruitment, selection, training, compensation, discipline, or other matters;

(10) Management within the department of correction, including planning, budgeting, information systems, organizational structure, rules, department policies and procedures, or other related matters;

(11) Security, safety, and health programs, including facility systems and procedures designed to maintain prison conditions that are appropriately secure, safe, and humane for prison staff and inmates; and

(11) Any other matters considered material to the committee review.

3-15-108.

(a) When any bill is introduced in the general assembly that will impact or potentially impact any area within the scope of review of the committee, as set out in this chapter, the clerk shall, at the same time the bill is referred to the appropriate standing

committee, notify the chair of the oversight committee of the bill and transmit a copy of the bill to the oversight committee. For purposes of participating in the discussions and comments of the committee, the chair or the chair's designee of the appropriate standing committee shall be notified of the date, time, and location where the oversight committee will meet to review bills that have been assigned to the respective standing committee, and the chair or the chair's designee shall become an ex officio member of the oversight committee when the bill is considered by the oversight committee.

(b) In order to efficiently execute the duties set out in this chapter, the committee shall review all bills transmitted to it as provided in subsection (a) and may attach committee comments to the bill prior to its consideration by the appropriate standing committee. The sole purpose of review by the committee shall be to assist the standing committee in its consideration of corrections-related bills by providing appropriate background information on the bill or information concerning the impact of the bill on the correctional system. The committee shall make no recommendation concerning the passage of a bill it reviews nor shall it have the authority to prevent the consideration of the bill by the standing committee to which it is referred. The committee's review of all bills transmitted to it pursuant to subsection (a) shall be completed and the notification required in subsection (c) returned to the chair of the appropriate standing committee no later than two (2) weeks after receipt of the bill from the clerk.

(c) Upon completion of the review process within the time limitation established in subsection (b), the chair of the committee shall send written notification to the chair of the appropriate standing committee indicating that the review process has occurred and that the bill is ready for consideration by the standing committee. If the committee has prepared committee comments on a bill, the comments shall be attached to the notification to the chair of the standing committee. If the committee has reviewed a bill

but has no committee comments, that shall be indicated in the notification to the chair. If a bill is referred to the committee for review but has not been reviewed within the time period set out in subsection (b), the chair shall notify the appropriate standing committee chair that the bill has not been reviewed but is ready for consideration by the standing committee.

3-15-109.

(a) The committee shall continue only until the operations of the department of correction have improved to the point that oversight is no longer needed. It is the intent of the general assembly that improvement of such operations be accomplished in a timely manner.

(b) The committee shall be subject to termination every four (4) years from June 30, 2018, unless the committee is continued by the general assembly.

(c) The respective speakers shall reappoint or appoint new members to the committee for each subsequent regular session of the general assembly for the duration of the committee as legislative terms expire.

(d) The office of the comptroller of the treasury shall conduct a performance evaluation of the committee prior to the committee's termination.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.