

HOUSE BILL 674

By Love

AN ACT to amend Tennessee Code Annotated, Title 41,  
Chapter 51, relative to correctional institutions and  
inmates.

WHEREAS, data and studies consistently show that fostering connections between incarcerated persons and their families reduces recidivism, such that regular visitation from family members to an incarcerated person lowers the likelihood of that person reoffending; and

WHEREAS, families of incarcerated persons often spend hundreds of dollars per month on travel costs, further marginalizing low-income households and exacerbating economic disparity; and

WHEREAS, maintaining strong ties between an incarcerated person and that person's family is shown to improve mental health, provide emotional support, facilitate smoother reentry into society upon completion of their sentence, and supports the overall notion of effective and sustainable rehabilitation and reintegration; and

WHEREAS, this state seeks to recognize and honor the importance of family connections in rehabilitation and to reduce recidivism by supporting this initiative; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 51, is amended by adding the following as a new part:

**41-51-401.**

This part shall be known and may be cited as the "Proximity Placement and Family Visitations Incentive Act."

**41-51-402.**

As used in this part, unless context provides otherwise:

(1) "Actively visit" means to travel to see an eligible incarcerated person at regular intervals, as evidenced by visitation records, documentation, and other evidence, while the eligible incarcerated person is serving a sentence of imprisonment at a correctional institution in this state;

(2) "Eligible incarcerated person" means a person who is incarcerated in a correctional institution in this state who qualifies for transfer to a transfer facility located in a home county in this state;

(3) "Home county" or "home county institution" means a county or correctional institution or facility in a county that is itself within or is substantially closer in physical proximity to a county where an eligible incarcerated person's family that actively visits the incarcerated person resides or is currently domiciled, and includes counties bordering another state; provided, however, that relocating an eligible incarcerated person to a county within this state that borders or is substantially closer in physical proximity to another state would effectuate the purposes of this part in encouraging visitation between eligible incarcerated persons and their families located in or near a state that borders this state;

(4) "Transfer":

(A) Means to provide that an eligible incarcerated person qualifies to serve out a portion or the remainder of the incarcerated person's sentence of incarceration at a transfer facility that is substantially closer in physical proximity to the eligible incarcerated person's home county; and

(B) Is subject to request for transfer by an eligible incarcerated person and approval by the unit staff of the eligible incarcerated person's correctional facility; and

(5) "Transfer facility" is a correctional facility that houses an eligible incarcerated person that is substantially closer in physical proximity to the eligible incarcerated person's home county than where the eligible incarcerated person is currently serving out the remainder of the eligible incarcerated person's sentence of incarceration.

**41-51-403.**

The purpose of this part is to reduce the hardships faced by families who travel long distances to visit incarcerated loved ones, and to incentivize positive behavior in our prisons by granting eligible inmates an opportunity to transfer to a correctional facility that is closer in physical proximity to the incarcerated person's home county where the incarcerated person's family resides.

**41-51-404.**

The objectives of this part are to:

- (1) Strengthen family bonds by making family visitation more accessible and feasible, which has been proven to reduce recidivism;
- (2) Encourage good conduct and compliance with rehabilitation programs among prisoners by providing tangible incentives for good behavior; and
- (3) Reduce financial strain on families that must travel across the state to visit an incarcerated loved one, often incurring significant expenses in the process.

**41-51-405.**

(a) In order for an eligible incarcerated person to qualify to transfer to a home county institution, the incarcerated person must:

- (1) Maintain a record of good behavior for at least twelve (12) months or a different period of time as agreed upon between unit staff at the eligible incarcerated person's correctional facility and the eligible incarcerated person, and such agreement must be evidenced in writing; provided, however, that any agreed upon period of time

shall not exceed the amount of time remaining in the eligible incarcerated person's sentence for imprisonment; and

(2) Participate in educational, vocational, or therapeutic programs offered at the incarcerated person's facility.

(b) Priority for an eligible incarcerated person to transfer to a home county institution must be granted to eligible incarcerated persons with family members who:

(1) Visit an eligible incarcerated person at regular intervals, as evidenced by visitation records or other forms of documented proof; or

(2) Provide written proof of hardship due to long distances travelled in order to visit an eligible incarcerated person. A family that demonstrates economic hardship, including through evidence of low income or lack of transportation, must be prioritized in determining need for transfer to a home county facility.

**41-51-406.**

(a) The department of correction has the power and duty to take appropriate actions to effectuate the purposes, objectives, and policies of this part. Powers and duties of the department under this part include the following:

(1) In collaboration with the inmate disciplinary oversight board, created under § 41-21-1002, provide a report detailing:

(A) Family visitation metrics and reporting for eligible incarcerated persons,

(B) The number of eligible incarcerated persons who are eligible for transfer;

(C) The number of inmates who were transferred to home county institutions;

(D) The details of any agreement and the duration of good behavior agreed upon between an eligible incarcerated person and the unit staff at the eligible incarcerated person's correctional facility, as permitted under § 41-51-405(a)(1), including a copy of any agreement made thereto; and

(E) Pursuant to a transfer to a home county facility, any fluctuations in family visitation rates and report on any positive impacts the improved proximity placement to family the transfer has had on prisoner behavior and family wellbeing;

(2) Ensuring a transparent application and review process between eligible incarcerated persons and the unit staff at the correctional institutions;

(3) Providing oversight and taking corrective measures when necessary to address shortcomings in the application and review process;

(4) Providing guidance and oversight regarding the transfer process of eligible incarcerated persons in order to effectuate a rapid, safe, effective, and efficient transfer for eligible incarcerated persons to a home county institution;

(5) Creating a public awareness campaign that outlines the provisions of this part as applicable to eligible incarcerated persons that highlights the benefits that close proximity to family members has on reducing recidivism and enhancing rehabilitation outcomes for inmates, and ensure such information and any related resources are available to incarcerated persons and their families statewide; and

(6) Where necessary, collaborating with local law enforcement and correctional institutional staff to effectuate the purposes, objectives, and policies of this part.

(b) The department shall submit the report required under subdivision (a)(1) to the senate state and local committee and the committee of the house of representatives with

jurisdiction over subject matter pertaining to corrections at least annually, or more often, at the discretion of the chairs of such committees.

SECTION 2. This act does not repeal or modify the Interstate Corrections Compact, compiled in Tennessee Code Annotated, Title 41, Chapter 23, Part 1, or state law regarding the safekeeping or transfer of inmates to penitentiaries, as provided in Tennessee Code Annotated, Section 40-23-107, nor any administrative authority granted to an administrative agency to oversee corrections or the handling of inmates in this state, nor sentence credits, terms, or the duration of any term of imprisonment being served by an inmate in this state, nor any other applicable state, local, or federal laws.

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