

HOUSE BILL 1089

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 37;  
Title 39; Title 40 and Title 41, relative to  
sentencing for offenses committed by minors.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-501(h), is amended by  
deleting the subsection and substituting the following:

(h)

(1) Release eligibility for a defendant committing the offense of first degree murder on or after November 1, 1989, but prior to July 1, 1995, who receives a sentence of imprisonment for life occurs after service of sixty percent (60%) of sixty (60) years less sentence credits earned and retained by the defendant, but in no event shall a defendant sentenced to imprisonment for life be eligible for parole until the defendant has served a minimum of twenty-five (25) full calendar years of the sentence, notwithstanding the governor's power to reduce prison overcrowding pursuant to title 41, chapter 1, part 5, any sentence reduction credits authorized by § 41-21-236, or any other law relating to sentence credits.

(2) Except as provided in subdivision (h)(4), there is no release eligibility for a person committing first degree murder, on or after July 1, 1995, and receiving a sentence of imprisonment for life. The person shall serve one hundred percent (100%) of sixty (60) years less sentence credits earned and retained. However, sentence reduction credits authorized by § 41-21-236 or any

other law, shall not reduce the sentence imposed by the court by more than fifteen percent (15%).

(3) Except as provided in subdivision (h)(4), there is no release eligibility for a defendant receiving a sentence of imprisonment for life without possibility of parole for first degree murder or aggravated rape of a child.

(4) For offenses committed on or after July 1, 2021, there is no release eligibility for a person committing first degree murder when the person was a minor and sentenced to imprisonment for life or imprisonment for life without possibility of parole until the person has served thirty (30) years. The release eligibility date for any other offense sentenced to run consecutively or concurrently to the first degree murder sentence remains the same, but does not operate to extend the release eligibility date for the first degree murder offense beyond thirty (30) years. A defendant is entitled to earn and retain sentence credits, but the credits do not make the defendant eligible for release prior to the service of thirty (30) full calendar years.

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