

HOUSE BILL 1565

By Freeman

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, Chapter 35, relative to sentencing.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-106, is amended by adding the following language as a new subsection:

(e)

(1) Notwithstanding subsection (b), a conviction for an offense committed ten (10) years or more before the commission of the offense for which the defendant is being sentenced must not be included for the purpose of determining the number of prior convictions a defendant has received.

(2) The ten-year period to determine prior convictions shall be tolled for any period of time during which the defendant was incarcerated. The period shall not be tolled for any portion of a sentence the defendant served on parole, probation, or other form of community supervision.

SECTION 2. Tennessee Code Annotated, Section 40-35-106(b), is amended by deleting subdivision (2) and substituting:

(2) Except as provided in subsection (e), all prior felony convictions, including those occurring prior to November 1, 1989, are included;

SECTION 3. Tennessee Code Annotated, Section 40-35-107, is amended by adding the following language as a new subsection:

(e)

(1) Notwithstanding subsection (b), a conviction for an offense committed fifteen (15) years or more before the commission of the offense for which the defendant is being sentenced must not be included for the purpose of determining the number of prior convictions a defendant has received.

(2) The fifteen-year period to determine prior convictions shall be tolled for any period of time during which the defendant was incarcerated. The period shall not be tolled for any portion of a sentence the defendant served on parole, probation, or other form of community supervision.

SECTION 4. Tennessee Code Annotated, Section 40-35-107(b), is amended by deleting subdivision (2) and substituting:

(2) Except as provided in subsection (e), all prior felony convictions, including those occurring prior to November 1, 1989, are included;

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 6. This act takes effect July 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.