

HOUSE BILL 2656

By Sexton C

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

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:

(bb)

(1) Notwithstanding any provisions of this section to the contrary, there shall be no release eligibility for a person committing an offense, on or after July 1, 2022, that is enumerated in subdivision (bb)(2). The person shall serve one hundred percent (100%) of the sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. The person shall be permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(2) The offenses to which subdivision (bb)(1) applies are:

- (A) Aggravated assault, as defined in § 39-13-102;
- (B) Vehicular homicide, as defined in § 39-13-213;
- (C) Aggravated vehicular homicide, as defined in § 39-13-218;
- (D) Possessing a firearm or antique firearm during commission or attempt to commit a dangerous felony, as defined in § 39-17-1324;

(E) Attempted first degree murder, as defined in § 39-13-202 where the victim suffers serious bodily injury as defined in § 39-11-106;

(E) Aggravated kidnapping, as defined in § 39-13-304;

(F) Especially aggravated kidnapping, as defined in § 39-13-305;

(G) Aggravated robbery, as defined in § 39-13-402;

(H) Especially aggravated robbery, as defined in § 39-13-403;

(I) Carjacking, as defined in § 39-13-404;

(J) Aggravated burglary, as defined in § 39-13-1003;

(K) Especially aggravated burglary, as defined in § 39-13-1004;

(L) Aggravated arson, as defined in § 39-14-302; and

(M) The manufacture, delivery, or sale of a controlled substance, as defined in § 39-17-417, where the instant offense is classified as a Class A, B, or C felony and the person has two (2) or more prior convictions for the manufacture, delivery, or sale of a controlled substance classified as a Class A, B, or C felony, pursuant to § 39-17-417, prior to or at the time of committing the instant offense.

(3)

(A) "Prior conviction" means, for purposes of this subsection (bb), unless the context otherwise requires, that the person serves and is released or discharged from, or is serving, a separate period of incarceration or supervision for the commission of the applicable offense listed in subdivision (bb)(2)(M).

(B) "Prior conviction" includes convictions under the laws of any other state, government, or country that, if committed in this state, would constitute the applicable offense listed in subdivision (bb)(2)(M). If a

relevant offense in a jurisdiction other than this state is not identified as the applicable offense listed in subdivision (bb)(2)(M) in this state, it shall be considered a prior conviction if the elements of the felony are the same as the elements for the applicable offenses listed in subdivision (bb)(2)(M).

(C) "Separate period of incarceration or supervision" includes a sentence to any of the sentencing alternatives set out in § 40-35-104(c)(3)-(9). The applicable offense listed in subdivision (bb)(2)(M) shall be considered as having been committed after a separate period of incarceration or supervision if the offense is committed while the person was:

(i) On probation, parole or community correction supervision for the applicable offense listed in subdivision (bb)(2)(M);

(ii) Incarcerated for the applicable offense listed in subdivision (bb)(2)(M);

(iii) Assigned to a program whereby the person enjoys the privilege of supervised release into the community, including, but not limited to, work release, educational release, restitution release or medical furlough for the applicable offense listed in subdivision (bb)(2)(M); or

(iv) On escape status from any correctional institution when incarcerated for the applicable offense listed in subdivision (bb)(2)(M).

SECTION 2. Tennessee Code Annotated, Section 40-35-501(j), is amended by deleting the language "on or after January 1, 2008" and substituting "on or after January 1, 2008, and before July 1, 2022".

SECTION 3. Tennessee Code Annotated, Section 40-35-501(k)(1), is amended by deleting the language "on or after July 1, 2010" and substituting "on or after July 1, 2010, and before July 1, 2022".

SECTION 4. Tennessee Code Annotated, Section 40-35-501(k)(2), is amended by deleting the language "on or after January 1, 2008" and substituting "on or after January 1, 2008, and before July 1, 2022".

SECTION 5. Tennessee Code Annotated, Section 40-35-501(k)(5), is amended by deleting the language "on or after July 1, 2013" and substituting "on or after July 1, 2013, and before July 1, 2022".

SECTION 6. Tennessee Code Annotated, Section 40-35-501(k)(7), is amended by deleting the language "on or after July 1, 2013" and substituting "on or after July 1, 2013, and before July 1, 2022". SECTION 7. Tennessee Code Annotated, Section 40-35-501(k)(8), is amended by deleting the language "on or after July 1, 2015" and substituting "on or after July 1, 2015, and before July 1, 2022".

SECTION 8. Tennessee Code Annotated, Section 40-35-501(t), is amended by deleting the language "on or after July 1, 2016" and substituting "on or after July 1, 2016, and before July 1, 2022".

SECTION 9. Tennessee Code Annotated, Section 40-35-501(u)(1), is amended by deleting the language "on or after January 1, 2017" and substituting "on or after January 1, 2017, and before July 1, 2022".

SECTION 10. This act takes effect July 1, 2022, the public welfare requiring it, and applies to offenses committed on or after that date.