

HOUSE BILL 2864

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 40
and Title 41, relative to inmate transfer.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-104(b), is amended by adding the following language as a new subdivision (3):

(3) A defendant convicted of first degree murder shall not be transferred to a correctional institution classified by the department as minimum security.

SECTION 2. Tennessee Code Annotated, Section 41-1-125, is amended by adding the following language as a new, appropriately designated subsection:

() No inmate convicted of first degree murder shall be eligible for transfer under an agreement authorized by this section.

SECTION 3. Tennessee Code Annotated, Section 41-1-403, is amended by designating the current language as a new subsection (a) and is further amended by adding the following language as a new subsection (b):

(b) Nothing in this section shall enable the department of correction or the commissioner of correction to classify an inmate convicted of first degree murder in such a way as to enable such inmate to be transferred to a minimum security correctional institution during any point in the inmate's period of incarceration.

SECTION 4. Tennessee Code Annotated, Section 41-1-509, is amended by designating the current language as a new subsection (a) and is further amended by adding the following language as a new subsection (b):

(b) Nothing in this section shall permit the transfer of an inmate convicted of first degree murder to a minimum security correctional institution during any point in the inmate's period of incarceration.

SECTION 5. Tennessee Code Annotated, Section 41-21-202, is amended by deleting the section in its entirety and by substituting instead the following language:

The inmates shall be graded and classified in such a manner as shall be most conducive to prison discipline and the moral status of the inmates, provided that the grading and classification of inmates complies with the provisions of § 41-1-403(b).

SECTION 6. Tennessee Code Annotated, Section 41-24-103(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d)

(1) No inmate convicted of first degree murder shall be transferred to a minimum security correctional institution.

(2) Except as provided in subdivision (1), any inmate sentenced to confinement in the department shall be legally eligible to be incarcerated in a facility in which a prison contractor is providing correctional services pursuant to this chapter.

SECTION 7. The commissioner of correction is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the uniform administrative procedures act compiled in title 4, chapter 5.

SECTION 8. This act shall take effect July 1, 2010, the public welfare requiring it.