

SENATE BILL 524

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to persons serving felony sentences in local jails or workhouses.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-314, is amended by adding the following new subsection:

(g)

(1) Any defendant convicted of a felony and sentenced to serve such sentence in a local jail or workhouse pursuant to this section, § 40-35-104(b), § 40-35-306, or § 40-35-307 shall be ordered, as a part of the sentence, to participate in any work program operated by the jail or workhouse in which the defendant is incarcerated.

(2) The sheriff may opt the county out of the requirements of this subsection (g) if the sheriff's local jail or workhouse does not operate a work program or, if it does operate such a program, the increased number of inmates participating would exceed the sheriff's ability to provide security, transportation, or requested work projects.

(3) The sheriff may excuse any one (1) or more individual inmates sentenced to the work program if, in the judgment of the sheriff:

(A) The inmate would pose a security or escape risk to the public or other inmates if allowed to participate in a work program outside the facility;

(B) The inmate has physical or mental health conditions that would preclude the inmate from successfully participating in a work program or would endanger others if allowed to participate; or

(C) The county cannot afford to provide the security or transportation for one (1) or more inmates sentenced to the work program pursuant to this section.

(4) Any inmate who knowingly refuses to participate in a work program after being sentenced to do so pursuant to this section shall be considered to have violated a rule of the local jail or workhouse and the court may act upon such violation as provided in subsection (d).

(5) The liability of any county whose local jail or workhouse operates a work program, shall not be increased or changed solely because the work program uses inmates sentenced to the program pursuant to this subsection (g).

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it and shall apply to any person sentenced to a local jail or workhouse pursuant to this section, § 40-35-104(b), § 40-35-306 or § 40-35-307 on or after such date.