

SENATE BILL 561

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2 and Section 40-35-501, relative to parole eligibility for persons sentenced to imprisonment for life.

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 instead the following:

(1)

(A) Release eligibility for a defendant receiving a sentence of imprisonment for life for first degree murder, 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 for first degree murder 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 provision of law relating to sentence credits.

(B) The department of correction shall notify any inmate who was sentenced to imprisonment for life for first degree murder for an offense that occurred prior to July 1, 2021, that the inmate may be eligible for an earlier release eligibility date pursuant to subdivision (h)(1)(A). The inmate may execute a written request for eligibility on a form promulgated and provided by the department, which shall make the inmate eligible for application of all statutory sentence reduction credits and parole consideration under the terms of this

subdivision (h)(1), but in no event shall such inmate be eligible for parole until the inmate has served the full mandatory minimum specified in subdivision (h)(1)(A). The request, once executed, is not subject to revocation.

(C) This subdivision (h)(1) does not apply to persons sentenced to death or persons sentenced to imprisonment for life without possibility of parole under § 39-13-204.

(2) There shall be no release eligibility for a defendant receiving a sentence of imprisonment for life without possibility of parole for aggravated rape of a child.

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i)(2), is amended by adding the following new subdivision:

(A) Murder in the first degree, when the offender is sentenced to imprisonment for life without possibility of parole;

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.