

SENATE BILL 1290

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 9; Title 40 and Title 41,
relative to corrections.

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

SECTION 1. Tennessee Code Annotated, Section 41-4-140(a)(3), is amended by deleting the language "Inspect all local jails, lock-ups, workhouses and detention facilities at least once a year and publish the results of the inspections." and substituting instead the following:

Inspect all local jails, lock-ups, workhouses, and detention facilities at least once a year. The results of the inspection must be published and submitted to the members of the general assembly within five (5) days of completion of the inspection results.

SECTION 2. Tennessee Code Annotated, Section 40-28-115, is amended by adding the following as new subsections:

() Notwithstanding this section or chapter 35, part 5 of this title to the contrary, an inmate who is terminally ill or elderly is eligible for parole.

() As used in this section:

(1) "Elderly" means an inmate who:

- (A) Is not less than sixty (60) years of age;
- (B) Is not a career offender, as defined in § 40-35-108;
- (C) Has not escaped or attempted to escape from an institution;

(D) Has been determined by the board to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released;

(E) Is not serving time for the following offenses:

(i) First degree murder, pursuant to § 39-13-202;

(ii) Especially aggravated kidnapping, pursuant to § 39-13-305;

(iii) Aggravated kidnapping, pursuant to § 39-13-304;

(iv) Especially aggravated robbery, pursuant to § 39-13-403;

(v) Aggravated rape, pursuant to § 39-13-502;

(vi) Rape, pursuant to § 39-13-503;

(vii) Aggravated sexual battery, pursuant to § 39-13-504;

(viii) Rape of a child, pursuant to § 39-13-522;

(ix) Aggravated rape of a child, pursuant to § 39-13-531;

(x) Aggravated arson, pursuant to § 39-14-302;

(xi) Aggravated child abuse, aggravated child neglect, or endangerment, pursuant to § 39-15-402;

(xii) Sexual exploitation of a minor involving more than one hundred (100) images, pursuant to § 39-17-1003;

(xiii) Aggravated sexual exploitation of a minor involving more than twenty-five (25) images, pursuant to § 39-17-1004; or

(xiv) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005; and

(F) Has served at least ten (10) years of the inmate's sentence;

and

(2) "Terminally ill" means an inmate who:

(A) Has been determined by a medical doctor to be:

(i) In need of care at a nursing home, intermediate care facility, or assisted living facility; or

(ii) Diagnosed with an illness that cannot be cured or adequately treated and is reasonably expected to result in the death of the inmate;

(B) Is not a career offender, as defined in § 40-35-108;

(C) Has not escaped or attempted to escape from an institution;

(D) Has been determined by the board to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention;

(E) Is not serving time for the following offenses:

(i) First degree murder, pursuant to § 39-13-202;

(ii) Especially aggravated kidnapping, pursuant to § 39-13-305;

(iii) Aggravated kidnapping, pursuant to § 39-13-304;

(iv) Especially aggravated robbery, pursuant to § 39-13-403;

(v) Aggravated rape, pursuant to § 39-13-502;

(vi) Rape, pursuant to § 39-13-503;

(vii) Aggravated sexual battery, pursuant to § 39-13-504;

(viii) Rape of a child, pursuant to § 39-13-522;

- (ix) Aggravated rape of a child, pursuant to § 39-13-531;
 - (x) Aggravated arson, pursuant to § 39-14-302;
 - (xi) Aggravated child abuse, aggravated child neglect, or endangerment, pursuant to § 39-15-402;
 - (xii) Sexual exploitation of a minor involving more than one hundred (100) images, pursuant to § 39-17-1003;
 - (xiii) Aggravated sexual exploitation of a minor involving more than twenty-five (25) images, pursuant to § 39-17-1004; or
 - (xiv) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005; and
- (F) Has served at least ten (10) years of the inmate's sentence.

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