

SENATE BILL 1353

By Tate

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 10; Title 40 and Title 41, relative to community corrections.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 36, is amended by adding the following language as a new part:

§ 40-36-401.

(a) No later than January 1, 2010, the department of correction shall, through competitive grants, establish a pilot halfway house program. The purpose of the pilot halfway house program is to provide an alternative to the funding plan that is compiled in part 3 of this chapter for residential community-based alternatives to incarceration. The department of correction shall develop and administer the pilot program in consultation with the board of probation and parole.

(b) The pilot halfway house program shall provide one hundred percent (100%) state funding with no local matching funds required to one (1) residential community-based alternative to incarceration in each grand division; provided, that this section shall not prohibit the use of federal funds. Any award of a grant must contain a statement of the agreed to amount representing one hundred percent (100%) of the estimated cost of the program, or in lieu thereof, the specific formula or method or methods as to how the amount of the one hundred percent (100%) funding will be calculated.

(c) The commissioner of correction is authorized to promulgate rules and regulations as the commissioner may deem necessary to effectuate the purposes of this

part. 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. § 40-36-402.

(a) Any residential community-based alternative to incarceration may apply directly to the department of correction for a grant pursuant to this part whether or not the county legislative body for the county where the residential community-based alternative to incarceration is located has established a local community corrections advisory board; provided, however, that any residential community-based alternative to incarceration that receives state funding pursuant to part 3 of this chapter shall be ineligible to receive a grant pursuant to this part.

(b) The department of correction shall establish a deadline for submission of applications for funding pursuant to this part. Upon expiration of the application deadline, the commissioner of correction, in consultation with the board of probation and parole, shall review and evaluate all completed applications and select one (1) project from each grand division of the state.

(c) The requirements for use of community corrections funds contained in part 3 of this chapter shall also apply to the use of funds granted pursuant to this part.

§ 40-36-403. The department of correction, in consultation with the board of probation and parole, shall evaluate the pilot program and shall issue a preliminary report to the judiciary committees of the senate and the house of representatives by February 15, 2011, and thereafter shall issue a full report detailing its findings and conclusions to the judiciary committees of the senate and the house of representatives by September 1, 2011.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.