

SENATE BILL 2234

By Norris

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 28, relative to earned compliance credit  
for persons on probation or parole.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 28, Part 6, is amended by  
adding the following as a new section:

(a) As used in this section:

(1) "Absconder" means an offender who conceals one's whereabouts or  
avoids or flees from supervision;

(2) "Eligible parolee":

(A) Means a person who has been convicted of a felony and  
granted parole by the board of parole under the supervision of the  
department; and

(B) Does not include a person convicted of any sexual offense or  
domestic violence offense or serving a life sentence; and

(3) "Eligible probationer":

(A) Means a person who has been convicted of a felony and  
granted probation under the supervision of the department; and

(B) Does not include a person convicted of any sexual offense or  
domestic violence offense or serving a life sentence.

(b) Subject to subsections (c)-(i), for each full calendar month of compliance with  
the conditions of supervision, an eligible probationer or eligible parolee shall be awarded

an earned compliance credit of ten (10) days, which shall reduce the probationer or parolee's term of probation or parole by ten (10) days.

(c) Earned compliance credit shall begin to accrue after the first full calendar month of supervision beginning January 1, 2019; provided, that no earned compliance credit shall be awarded to reduce the amount of time to be served on probation or parole to less than six (6) months.

(d) No earned compliance credit shall be awarded for:

(1) A partial calendar month of compliance or for the last full month of probation or parole; or

(2) Any month during which the probationer or parolee is incarcerated.

(e) An eligible probationer shall not be awarded earned compliance credit for any month during which a probation violation is pending before the court. If the court does not sustain the probation violation, the court may enter a written order awarding earned compliance credit to the probationer for the months for which the probationer would have been awarded credit had the probation violation not been pending before the court. Absent such a court order, the probationer shall not be entitled to any earned compliance credit for the months during which the probation violation was pending before the court.

(f) An eligible parolee shall not be awarded earned compliance credit for any month during which a parole violation is pending before the board of parole. If the board of parole does not sustain the parole violation, the board may enter a written order awarding earned compliance credit to the parolee for the months for which the parolee would have been awarded credit had the parole violation not been pending before the board. Absent such an order from the board, the parolee shall not be entitled to any earned compliance credit for the months during which the parole violation was pending before the board.

(g) An eligible probationer or eligible parolee shall not be awarded earned compliance credit for any month during which the probationer or parolee is:

(1) An absconder; or

(2) Disqualified by the probationer or parolee's conduct from receiving earned compliance credit under the graduated sanctions system established pursuant to § 40-28-303.

(h) Previously earned compliance credit shall be forfeited upon conviction of a new felony offense or Class A misdemeanor offense or upon revocation of probation or parole. Previously earned compliance credit shall also be forfeited in accordance with and to the extent provided by the graduated sanctions system established pursuant to § 40-28-303.

(i) Earned compliance credit shall be applied to the probation or parole term within fifteen (15) days after the end of the month during which any credit is earned. A probationer or parolee who is eligible for earned compliance credit shall be notified on a semi-annual basis of the date upon which the probationer or parolee's term of probation or parole is scheduled to be completed and the number of days of earned compliance credit that have been awarded.

SECTION 2. The Tennessee Code Commission is requested to include the heading "Earned compliance credit for probationers and parolees" for the section created by this act in any compilation or publication containing this act.

SECTION 3. This act shall take effect January 1, 2019, the public welfare requiring it.