

SENATE BILL 2753

By Akbari

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4 and Section 49-2-116, relative
to drug offenses.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-432, is amended by adding the following as a new subsection:

(h) A defendant who was convicted of a violation of § 39-17-417 that occurred prior to September 1, 2020, and whose sentence was enhanced pursuant to a prior version of this section may petition the court in which the defendant was convicted to be resentenced pursuant to this section. Upon receiving such a petition, the court shall determine whether the defendant could have been sentenced to serve less time incarcerated before becoming eligible for release under current law and, if so, shall hold a new sentencing hearing pursuant to § 40-35-209. Following the sentencing hearing, the court shall determine the defendant's sentence under current law, and if the sentence requires the defendant to serve less time incarcerated before becoming eligible for release, the court shall issue a new sentence. If the court determines that the person would serve the same amount of time or more time incarcerated before becoming eligible for release under current law, the court shall dismiss the petition.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and applies to offenses committed before September 1, 2020.