

SENATE BILL 1032
By Gilbert

AN ACT to amend Tennessee Code Annotated, Section 40-35-115 and 41-21-236, relative to criminal offenses committed while incarcerated.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-115, is amended by adding the following new subsection (d) and by relettering present subsection (d) accordingly:

(d)

(1) Notwithstanding the provisions of this section or Rule 32 of the Tennessee Rules of Criminal Procedure to the contrary, the sentence for a felony committed while incarcerated for a felony shall be consecutive to the original incarceration sentence whether the judgment explicitly so orders or not.

(2) The provisions of this subsection do not apply to a felony committed while on probation or parole but do apply to a felony committed while participating in a work release or other program that allows inmates supervised or unsupervised release into the community, provided the original sentence was for a felony.

SECTION 2. Tennessee Code Annotated, Section 41-21-236, is amended by adding the following as a new subsection:

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(1) An inmate who commits a felony while incarcerated for a felony shall forfeit all good behavior sentence reduction credits awarded pursuant to Tennessee Code Annotated, Section 41-21-236, any other provision of law or any other sentence credit system that such inmate had earned and retained prior to the date of the offense committed while incarcerated. Such inmate is entitled to earn good behavior sentence reduction credits subsequent to the date of the offense committed while incarcerated.

(2) The provisions of this subsection do not apply to an inmate on probation or parole but do apply to an inmate who commits a felony while participating in a work release or other program that allows inmates supervised or unsupervised release into the community, provided the inmate's original sentence was for a felony.

SECTION 3. This act shall take effect July 1, 1997, the public welfare requiring it, and shall apply to any applicable offense committed while incarcerated on or after such date.