



January 23, 2020

SUMMARY OF ORIGINAL BILL: Clarifies that a person sentenced to life imprisonment for first degree murder, between November 1, 1989 and July 1, 1995, is eligible for parole after serving a minimum of 25 years. Removes the provision that allows a defendant receiving a sentence of life imprisonment for first degree murder to be entitled to earn and retain sentence credits.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (008832, 007261): Amendment 008832 deletes and replaces all language after the enacting clause such that the substantive changes are: (1) to specify the sentence and release eligibility for a person committing first degree murder on or after July 1, 1995 and receiving a sentence of imprisonment for life; and (2) to remove the clarification that there is no release eligibility for a defendant receiving a sentence of imprisonment for life without the possibility of parole for aggravated rape of a child.

Amendment 007261 adds language to the bill such that the substantive changes are to: (1) create a Class A misdemeanor offense for violation a condition of release imposed pursuant to Tenn. Code Ann. § 40-11-150; (2) authorize the bail of such person to be revoked by the court having jurisdiction over the condition or release; and (3) require the venue for the new offense to be the county where the violation of a condition of release occurred.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase Local Expenditures – Exceeds \$83,200*

Assumptions for the bill as amended:

First Degree Murder and Aggravated Child Rape

- Pursuant to Tenn. Code Ann. § 40-35-501(i), a person who commits first degree murder on or after July 1, 1995 is required to serve 100 percent of the sentence imposed by the court less up to 15 percent of sentence credits.

- Pursuant to Tenn. Code Ann. § 40-35-501(h)(1), a person who receives a sentence of life of imprisonment for first degree murder is required to serve 60 percent of 60 years less sentence credits but no less than 25 full calendar years of the sentence.
- The proposed legislation clarifies that Tenn. Code Ann. § 40-35-501(h)(1) pertains to sentences between November 1, 1989 and July 1, 1995; therefore, any fiscal impact to the Department of Correction is estimated to be not significant.
- In *Cyntoia Brown v. Carolyn Jordan* M2018-01415-SC-R23-CO (Tenn. 2018), the Tennessee Supreme Court concluded that an individual sentenced to life in prison under Tenn. Code Ann. § 39-13-202(c)(3) receives a determinate 60 year sentence that may be reduced by up to 15 percent with eligible sentence credits.
- Any impact resulting from specifying that a life sentence for first degree murder is 60 years eligible for up to a 15 percent reduction for sentence credits is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 39-13-531, aggravated rape of a child is a Class A felony offense punished by imprisonment for life without the possibility of parole.
- Any impact resulting from removing aggravated rape of a child from Tenn. Code Ann. § 40-35-501(h)(2) is estimated to be not significant.

Condition of Release Violations

- Pursuant to Tenn. Code Ann. § 40-11-150(i)(2), a violation of a condition of release, that does not constitute a violation of a protection order or restraining order, is punished as contempt of the court imposing the conditions, and the bail of the person violating the condition of release may be revoked.
- Pursuant to Tenn. Code Ann. § 29-9-103, contempt may be punished by fine or by imprisonment, or both.
- This analysis estimates at least 100 individuals are held in contempt of court each year for violations of the conditions of release imposed pursuant to Tenn. Code Ann. § 40-11-150 and spend an average of two days in local jail per individual.
- This analysis assumes individuals previously held in contempt of court will be convicted of a Class A misdemeanor for a violation of release under the proposed legislation and will spend an average of 15 days in local jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The proposed legislation will lead to a mandatory recurring increase in local expenditures estimated to exceed \$83,200 [$\$64 \times (15 \text{ days} - 2 \text{ days}) \times 100$].
- Any impact to the court system is estimated to be not significant.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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