



February 24, 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 AMENDMENT (013389):** 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.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

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.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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