

HOUSE BILL 2229

By Dixie

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13 and Title 40, Chapter 35, relative to release eligibility of persons convicted of first degree murder.

WHEREAS, by linking parole eligibility to concrete achievements in conduct and rehabilitation, inmates are encouraged to actively participate in their own reformation and contribute to a safer prison environment; and

WHEREAS, creating a strong incentive for inmates to engage in educational programs and therapeutic interventions leads to increased skills and a greater likelihood of successful reintegration into society; and

WHEREAS, by increasing the number of inmates who become eligible for parole, the State may realize significant cost savings associated with long-term incarceration; and

WHEREAS, many other states have already revisited their sentencing laws in light of the changing fiscal landscape and a growing understanding of effective correctional practices; and

WHEREAS, this proposed legislation will affect a small subset of the 1,304 inmates within the Tennessee Department of Correction with a sentence of imprisonment for life; and

WHEREAS, rehabilitation and re-entry are included within the mission of the Tennessee Department of Correction; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 40-35-501(h)(2), is amended by deleting "There shall be no release eligibility" and substituting "Except as provided in subsection (hh), there shall be no release eligibility".

SECTION 2. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following as new subsections:

(hh)

(1) Notwithstanding subdivision (h)(2) or another law to the contrary, a person committing first degree murder, on or after July 1, 1995, and before July 1, 2020, and receiving a sentence of imprisonment for life is eligible for parole after serving twenty-five (25) calendar years if the person fulfills the following criteria with the maximum reduction not to exceed thirty-five (35) years:

(A) Ten (10) years must be deducted from the inmate's parole eligibility date for each sustained period of ten (10) consecutive years without a Class A violent disciplinary infraction. If a Class A violent disciplinary infraction occurs after a ten-year period of good conduct, then any previously accrued credit under this subdivision (hh)(1)(A) is forfeited, and a new ten-year period of good conduct must be completed to regain eligibility for this credit;

(B) Ten (10) years must be deducted from the inmate's parole eligibility date for each sustained period of ten (10) consecutive years without a drug-related disciplinary infraction. If a drug-related disciplinary infraction occurs after a ten-year period of being drug-free, then any previously accrued credit under this subdivision (hh)(1)(B) is forfeited, and a new ten-year period of being drug-free must be completed to regain eligibility for this credit;

(C) Ten (10) years must be deducted from the inmate's parole eligibility date upon the successful completion of an accredited postsecondary education program and the attainment of an associate degree, a bachelor's degree, or a graduate degree from an institution recognized by the state of Tennessee, including, but not limited to,

programs offered within correctional facilities by institutions such as Dyersburg State Community College, Rhodes College, or the University of Memphis; and

(D) Five (5) years must be deducted from the inmate's parole eligibility date upon the successful completion of all of the following programs offered by the Tennessee department of correction or its accredited partners:

- (i) A career exploration class;
- (ii) A victim impact class;
- (iii) Cognitive behavior therapy (CBT) or a similar cognitive restructuring program;
- (iv) A family unification class; and
- (v) An early intervention class, if the class is deemed appropriate by the department.

(2) As used in this subsection (hh):

(A) "Class A violent disciplinary infractions" means:

- (i) Assault on staff with or without a weapon;
 - (ii) Assault on another offender with or without a weapon;
 - (iii) Threatening staff or another offender;
 - (iv) Murder or attempted murder of staff or another offender; and
 - (v) Rape or attempted rape of staff or another offender;
- and

(B) "Drug-related disciplinary infractions" means:

(i) Possession or usage of an unauthorized Schedule 1 or Schedule II controlled substance; and

(ii) Selling or distribution of an unauthorized Schedule I or Schedule II controlled substance.

(3) The credits earned under this subsection (hh) run parallel to any good behavior or program credits awarded pursuant to other provisions of this title and must be specifically applied toward the calculation of parole eligibility under this subsection (hh).

(4) This subsection (hh) is retroactive and applies to any person sentenced to imprisonment for life for the offense of first-degree murder committed on or after July 1, 1995, and before July 1, 2020, who, as of July 1, 2026, has already met one (1) or more of the criteria outlined in subdivision (hh)(1). The department of correction shall review the records of all such inmates and adjust the inmate's parole eligibility dates accordingly.

(5) If a person has been sentenced to life imprisonment for the offense of first degree murder committed on or after July 1, 1995, and before July 1, 2020, and the person also has other sentences running consecutively, then all of the person's sentences must be deemed to run concurrent to the life sentence if the person meets the criteria outlined in subdivision (hh)(1) and is granted parole.

(6) Notwithstanding this section or another law to the contrary, upon an inmate's fulfillment of all criteria outlined in this subsection (hh), the board of parole shall grant the inmate parole. The board has no discretion to deny parole based on the seriousness of the crime or a perceived risk of nonconformity to release conditions.

(ii) Notwithstanding this section or another law to the contrary, a sentence of imprisonment for life automatically expires after the person has served forty (40) calendar years. An individual convicted of first degree murder and sentenced to imprisonment for life must not remain incarcerated for more than forty (40) years if parole has not been granted.

SECTION 3. This act takes effect July 1, 2026, the public welfare requiring it.