

# ACLU-TN Legislative Highlights: Criminal Justice\*

## 110<sup>th</sup> Tennessee General Assembly – 2017



Bill	Bill Description	Bill Status	Position
<a href="#">SB 0016 (Harris)</a> <a href="#">HB 0128 (Thompson)</a>	As introduced, clarifies that a person petitioning for a certificate of employability does not have to be in the process of restoring the person's rights of citizenship.	<a href="#">Current Status</a>	Support
<a href="#">SB 0027 (Stevens)</a> <a href="#">HB 0007 (Lamberth)</a>	As introduced, upon the imposition of the death penalty in a trial court, automatically directs the case to the Tennessee supreme court for further review, by passing any other reviewing courts.	<a href="#">Current Status</a>	Oppose
<a href="#">SB 0129 (Green)</a> <a href="#">HB 0159 (Johnson)</a>	As introduced, permits the sheriff of any county or the chief administrator of any municipal jail to contract with any substance abuse treatment program licensed or certified by the department of mental health and substance abuse services to provide substance abuse treatment services to inmates housed in the county or municipal jail.	<a href="#">Current Status</a>	Support
<a href="#">SB 0130 (Green)</a> <a href="#">HB 0160 (Johnson)</a>	As introduced, creates a pilot program under which a sheriff, in consultation with the department of mental health and substance abuse services, will create and administer a program of substance abuse treatment services for eligible inmates.	<a href="#">Current Status</a>	Support
<a href="#">SB 0221 (Harris)</a> <a href="#">HB 0004 (Parkinson)</a>	As introduced, requires the board of probation and parole to meet and order the release of a parolee whose parole has been revoked and who has been reincarcerated as the result of being charged with an offense committed while on parole if that charge is dismissed.	<a href="#">Current Status</a>	Support
<a href="#">SB 0243 (Bell)</a> <a href="#">HB 1247 (Dunn)</a>	As introduced, requires the commissioner of corrections to provide a report of every person's death while in the custody of a correctional facility and to send that report to the state senator and representative corresponding to that person's prior address.	<a href="#">Current Status</a>	Support
<a href="#">SB 0275 (Harris)</a> <a href="#">HB 0398 (Parkinson)</a>	As introduced, requires the governor to appoint at least one person to the board of parole who has experience in corrections, probation, or parole; declares the governor the appointing authority for all board members. - Amends TCA Section 40-28-103.	<a href="#">Current Status</a>	Support
<a href="#">SB 0378 (Briggs)</a> <a href="#">HB 0345 (Farmer)</a>	As introduced, prohibits the death penalty as a punishment for defendants suffering from severe mental illness at the time of the offense.	<a href="#">Current Status</a>	Support
<a href="#">SB 0405 (Kyle)</a> <a href="#">HB 1280 (Love)</a>	As introduced, amends language to state that an eligible petitioner may file a petition for expunction of that person's public records involving a criminal offense that is a Class C or Class B misdemeanor. Any moving or non-moving traffic offense shall not be considered a criminal offense.	<a href="#">Current Status</a>	Support

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<a href="#">SB 0617 (Harris)</a> <a href="#">HB 0598 (Williams)</a>	<p>As introduced, waives the driver license fee for inmates released from incarceration unless the person has been convicted for a violation of driving under the influence, vehicular assault, aggravated vehicular assault, vehicular homicide as a result of intoxication, or aggravated vehicular homicide.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 0620 (Harris)</a> <a href="#">HB 0761 (Hardaway)</a>	<p>As introduced, requires that all local jails, workhouses and detention centers be inspected once a year and findings reported to legislative committees.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 0649 (Niceley)</a> <a href="#">HB 0546 (Rogers)</a>	<p>As introduced, authorizes the commissioner to contract with a participating county that has a contractual agreement with a nongovernmental entity to provide correctional services to inmates under the custody of the department, if the contractual agreement between the county and the nongovernmental entity complies with all requirements of the Private Prison Contracting Act, for a contract to provide correctional services between the department and a nongovernmental entity.</p>	<a href="#">Current Status</a>
<a href="#">SB 0673 (Harris)</a> <a href="#">HB 0860 (Miller)</a>	<p>As introduced, creates an exception to the offense of simple possession of marijuana for persons with a valid, state-issued medical marijuana identification card who obtained the marijuana pursuant to a valid physician's recommendation.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 0708 (Yager)</a> <a href="#">HB 0911 (Wirgau)</a>	<p>As introduced, enacts the "Comprehensive Local Correctional Enforcement Task Force Act" to create a task force to conduct a study and make a report and recommendation concerning local correctional facilities by January 15, 2018.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 0764 (Stevens)</a> <a href="#">HB 0450 (Lamberth)</a>	<p>As introduced, permits courts sentencing to probation persons convicted of Class C, D, and E felonies, rather than just Class E, to contract with private probation companies to provide probation services. Changes minimum qualifications for the private probation companies in order to contract with the courts. Decreases the required amount of time a private company has been a provider of misdemeanor probation services in order to contract with the courts.</p>	<a href="#">Current Status</a> Oppose
<a href="#">SB 0795 (Dickerson)</a> <a href="#">HB 0135 (White)</a>	<p>As introduced, allows a defendant who is sentenced to life imprisonment to become release eligible after service of 60 percent of 60 years, and in no event less than 25 years including sentence reduction credits. Allows a defendant convicted under prior law to request parole eligibility be determined pursuant to this act.</p>	<a href="#">Current Status</a> Support

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<a href="#">SB 0800 (Dickerson)</a> <a href="#">HB 0873 (Akbari)</a>	<p>As introduced, permits a person who has no more than two convictions to petition on a one-time basis for expunction of both convictions provided each offense is otherwise eligible for expunction.</p>	<p><a href="#">Current Status</a> Support</p>
<a href="#">SB 0816 (Green)</a> <a href="#">HB 1366 (Matheny)</a>	<p>As introduced, gives immunity from civil or criminal liability to a person for making a report to law enforcement of suspicious activity or behavior if the report is based on articulable suspicion.</p>	<p><a href="#">Current Status</a></p>
<a href="#">SB 0823 (Haile)</a> <a href="#">HB 0736 (Rogers)</a>	<p>As introduced, permits a judge to consider a criminal defendant's participation in recovery court as a hardship sufficient to order the stay of a criminal defendant's driver license revocation for failing to pay fines, court costs, and litigation taxes.</p>	<p><a href="#">Current Status</a> Support</p>
<a href="#">SB 0872 (Yarbro)</a> <a href="#">HB 1261 (Towns)</a>	<p>As introduced, prohibits a law enforcement officer from seizing or destroying a person's photograph or recording of an event or person if it is not illegal and the person is in a place the person has a right to be when photographed or recorded; allows law enforcement to petition court for copy of certain photographic material.</p>	<p><a href="#">Current Status</a> Support</p>
<a href="#">SB 0894 (Johnson)</a> <a href="#">HB 0173 (Lamberth)</a>	<p>As introduced, specifies that state law preempts local government ordinances and resolutions with respect to the regulation of and appropriate sanctions for conduct involving drugs and other substances.</p>	<p><a href="#">Current Status</a> Oppose</p>
<a href="#">SB 1043 (Bowling)</a> <a href="#">HB 1277 (Love)</a>	<p>As introduced, establishes certain procedures for expunction without cost when charge is dismissed or nolle prosequi is entered.</p>	<p><a href="#">Current Status</a> Support</p>
<a href="#">SB 1098 (Kyle)</a> <a href="#">HB 1279 (Love)</a>	<p>As introduced, includes offenses in which the defendant intentionally selects the person against whom the offense is committed because of the person's race, religion, color, disability, sexual orientation, national origin, ancestry, or gender within the definition of "acts of terrorism" for purposes of the asset forfeiture provisions of the terrorism act.</p>	<p><a href="#">Current Status</a></p>
<a href="#">SB 1116 (Kyle)</a> <a href="#">HB 0831 (Jones)</a>	<p>As introduced, decriminalizes the possession of up to one ounce of marijuana.</p>	<p><a href="#">Current Status</a> Support</p>
<a href="#">SB 1134 (Kyle)</a> <a href="#">HB 0109 (Parkinson)</a>	<p>As introduced, increases the amount of marijuana possessed or exchanged under the offenses of simple possession or casual exchange from less than one-half ounce to less than one ounce. Prohibits the inference of purpose of selling when the marijuana possessed or exchanged was less than one ounce.</p>	<p><a href="#">Current Status</a> Support</p>

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<a href="#">SB 1245 (Norris)</a> <a href="#">HB 0418 (Akbari)</a>	<p>As introduced, reduces the expunction fee for criminal convictions from \$350 to \$180. Changes allocation of fee proceeds.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 1254 (Norris)</a> <a href="#">HB 0383 (Shaw)</a>	<p>As introduced, reduces the fee for expungement to \$205. Reduces the time after which sentences have been completed before a person can apply for expungement to one year. Allows a person to obtain expungement for an assault conviction.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 1299 (Yarbro)</a> <a href="#">HB 0652 (Miller)</a>	<p>As introduced, recreates the select oversight committee on corrections.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 1301 (Harris)</a> <a href="#">HB 0734 (Hardaway)</a>	<p>As introduced, requires a law enforcement officer to issue a citation in lieu of continued custody of a person arrested for a misdemeanor violation of simple possession of a controlled substance, unless the officer determines, based on the person's previous failure to appear in court, that a reasonable likelihood exists that the arrested person will fail to appear in court.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 1310 (Yarbro)</a> <a href="#">HB 0856 (Miller)</a>	<p>As introduced, requires the peace officer standards and training commission to include training on topics such as cultural competency in its annual in-service training in order for officers to meet the required certification requirements.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 1312 (Yarbro)</a> <a href="#">HB 1303 (Turner)</a>	<p>As introduced, allows the court that places a person on misdemeanor probation, if supervision would be extended or family or child support obligations could not be met because of the supervision fees and court costs and fines and other fees, to declare the person to be indigent.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 1380 (Tate)</a> <a href="#">HB 0183 (Favors)</a>	<p>As introduced, for purposes of legislative redistricting, specifies that after April 1, 2020 the population count used after each decennial census may not include individuals who were incarcerated in state or federal correctional facilities who were not residents of the state prior to their incarceration. Requires the count to include individuals who are incarcerated in state or federal correctional facilities and are residents of the state.</p>	<a href="#">Current Status</a> Support
<a href="#">SB 1381 (Tate)</a>	<p>As introduced, allows a woman to be prosecuted for assault for the illegal use of a narcotic drug while pregnant, if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant. Permits a woman to defend herself against prosecution if the woman actively enrolled in an addiction recovery program before the child was born, remained in the program after delivery, and successfully completed the program, regardless of whether the child was born addicted to or harmed by the narcotic drug.</p>	<a href="#">Current Status</a> Oppose

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<a href="#">SB 1392 (Tate)</a> <a href="#">HB 0826 (Gilmore)</a>	As introduced, makes a person sentenced to imprisonment for life based on a conviction for first degree murder, which occurred when the person was a minor, eligible for parole consideration after service of 65 percent of the 60-year sentence imposed, and no less than 50 percent including any sentence reduction credits earned.	<a href="#">Current Status</a> Support
<a href="#">HJR 0115 (Cooper)</a>	As introduced, urges governor to study sentencing and commutation of nonviolent felony prisoners.	<a href="#">Current Status</a> Support

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