

April 27, 2022

Via U.S. Mail and Email to [bill.lee@tn.gov](mailto:bill.lee@tn.gov)

The Honorable Bill Lee  
Governor of the State of Tennessee  
Tennessee State Capitol, 1<sup>st</sup> Floor  
600 Dr. Martin Luther King Jr. Blvd.  
Nashville, TN 37243

**Re: SB 2248/HB 2656**

Dear Governor Lee,

On behalf of the ACLU of Tennessee and its thousands of members throughout the state, I write to urge you to veto SB 2248/HB 2656. This so-called “truth-in-sentencing” legislation would require certain offenders to serve all or nearly all of their sentences without the opportunity to earn credits for good behavior or program participation. If passed, this legislation will decrease public safety, cost Tennessee taxpayers tens of millions of dollars to incarcerate more community members, and worsen conditions in prisons. In recent years, your administration has sought to achieve criminal justice reform and emphasize rehabilitation and reentry as central to the function of the Tennessee Department of Corrections. SB 2248/HB 2656 sets us back, ballooning our prison population to the detriment of individuals who are incarcerated, Tennesseans working in prisons, and communities statewide.

Studies clearly show putting more people in prison for longer does not decrease rates of violent crime.<sup>1</sup> This is demonstrably true in Tennessee. Over the past decades, Tennessee’s incarceration rate has skyrocketed. Meanwhile, rates of violent crime – including the types of offenses this bill addresses – have held steady.<sup>2</sup> Further, there is no evidence that increased sentences act as a deterrent. People who commit offenses are unlikely to be aware of changes in Tennessee’s sentencing law and unlikelier still to factor those changes into their decision-making.<sup>3</sup> There is, however, evidence that passage of this legislation may *increase* crime rates in our communities. The Vera Institute has noted that when communities already have high incarceration rates, increasing incarceration is associated with increases in

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<sup>1</sup> [https://www.vera.org/downloads/publications/for-the-record-prison-paradox\\_02.pdf](https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf)

<sup>2</sup> <https://www.sycamoreinstitutetn.org/incarceration-tn-prisoner-trends/>

<sup>3</sup> <https://www.sentencingproject.org/wp-content/uploads/2016/01/Deterrence-in-Criminal-Justice.pdf>



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crime, as high rates of imprisonment break apart families, deprive communities of income, and engender resentment toward the legal system.<sup>4</sup>

Moreover, this legislation removes incentives for incarcerated individuals to follow rules and take advantage of educational programming that can help prepare them for successful reentry. Currently, incarcerated individuals can earn credits off their sentences for good behavior and program participation. Studies show this incentive approach is successful – and that passing truth-in-sentencing laws that eliminate these incentives decreases program enrollment, makes prisons less safe, and increases rates of recidivism.<sup>5, 6</sup>

This legislation will pass on massive costs to taxpayers. The fiscal note on the bill projects the cost at \$27 million, but the figures put forth by the Fiscal Review Committee have been disputed by the Department of Corrections.<sup>7</sup> Moreover, the fiscal note does not account for the possibility that Tennessee will need more facilities to house a growing prison population. The cost of this legislation could eventually run into the hundreds of millions annually, stacked atop a state corrections budget of more than a billion dollars.

What return will the state receive on this investment? Not less crime, lower recidivism rates, or safer prisons. Tennessee is desperate for more investment in its reentry infrastructure, which helps ensure that formerly incarcerated people remain formerly incarcerated. Surveys show that even crime victims would prefer spending on services that help prevent crime over longer sentences.<sup>8</sup> We ask that you reject this legislation's regressive, ineffective approach to incarceration. Please **veto SB 2248/HB 2656**.

Sincerely,



Hedy Weinberg  
Executive Director

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<sup>4</sup> [https://www.vera.org/downloads/publications/for-the-record-prison-paradox\\_02.pdf](https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf)

<sup>5</sup> <https://news.stanford.edu/2015/10/06/prisoners-early-release-101615/>

<sup>6</sup> [https://www.dropbox.com/s/zey3357ejwgp1bz/DavidMacdonald\\_JMP\\_latest.pdf?dl=0](https://www.dropbox.com/s/zey3357ejwgp1bz/DavidMacdonald_JMP_latest.pdf?dl=0)

<sup>7</sup> <https://www.tennessean.com/story/news/politics/2022/04/20/bill-lee-tennessec-governor-general-assembly-truth-in-sentencing-legislation/7371395001/>

<sup>8</sup> <https://www.prisonpolicy.org/reports/violence.html#victims>

