

PUBLIC CHAPTER NO. 110**SENATE BILL NO. 1294****By Harper, Burks, Marrero****Substituted for: House Bill No. 648****By Mike Turner, Gilmore, Baird, Fitzhugh, Hood**

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 6, Part 1; Title 41, Chapter 1, Part 1; Title 41, Chapter 23 and Title 41, Chapter 24, relative to out-of-state prisoners incarcerated in Tennessee.

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

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 41-1-124. Notwithstanding the provisions of any law to the contrary, after the effective date of this act, the Commissioner of Correction shall not accept an out-of-state prisoner for incarceration within any prison or facility operated by the department unless the sending state contractually agrees to return, and to pay the full costs of returning, such prisoner to the sending state prior to his or her release from incarceration, or arrangements for release in some place other than the sending state are made in accordance with the provisions of the Interstate Corrections Compact, Tennessee Code Annotated, Title 41, Chapter 23, Part 1. For the purposes of this section, unless the context otherwise requires, "out-of-state prisoner" means a person incarcerated in a correctional facility within this state on behalf of a state other than Tennessee or a governmental entity whose jurisdiction is outside of the State of Tennessee. The term "out-of-state prisoner" does not include a person incarcerated on behalf of an Indian tribe or on behalf of the United States.

SECTION 2. Tennessee Code Annotated, Title 41, Chapter 24, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 41-24-119. Notwithstanding the provisions of any law to the contrary, after the effective date of this act, no prison contractor shall contract to accept an out-of-state prisoner for incarceration within any correctional facility operated by the prison contractor within Tennessee unless the sending state contractually agrees to return, and to pay the full costs of returning, such prisoner to the sending state prior to his or her release from incarceration. For the purposes of this section, unless the context otherwise requires, "out-of-state prisoner" means a person incarcerated in a correctional facility within this state on behalf of a state other than Tennessee or a governmental entity whose jurisdiction is outside of the State of Tennessee. The term "out-of-state prisoner" does not include a person incarcerated on behalf of an Indian tribe or on behalf of the United States.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 23, 2007



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 8th day of May 2007



PHIL BREDESEN, GOVERNOR