

**STATE OF TENNESSEE**  
**OFFICE OF THE**  
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**NASHVILLE, TENNESSEE 37202-0207**

March 29, 2005

Opinion No. 05-031

Removal of sentence credits by Tennessee Board of Probation and Parole

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**QUESTION**

Does the Tennessee Board of Probation and Parole have the authority to remove sentence credits earned in a local jail or workhouse pursuant to Tenn.Code Ann. §§41-2-123, 41-2-146, 41-2-147 or 41-21-236?

**OPINION**

No. The Tennessee Board of Probation and Parole has no authority to remove sentence credits earned in a local jail or workhouse pursuant to Tenn. Code Ann. §§41-2-123, 41-2-146, 41-2-147 or 41-21-236.

**ANALYSIS**

Prisoners confined to a county jail or workhouse are authorized to earn sentence reduction credits for participation in approved work programs. Tenn. Code Ann. §§ 41-2-123(b)(1), 41-2-146(a); 41-2-147(a); 41-21-236(d) & (f)(2). For each day worked in an approved program, the prisoner's sentence is reduced by two days. Tenn. Code Ann. §§ 41-2-123(b)(3); 41-2-146(b); 41-2-147(b).

The only situation in which the Board may recommend the removal of earned sentence credits is when a prisoner commits a felony while on parole. *See* Tenn. Code Ann. § 40-28-123; Rules of the Tennessee Board of Paroles Rule 1100-1-1-.13(10)(c). If a person commits a felony while on parole, the Board, at its discretion, may recommend to the Commissioner of Correction the removal of all or any part of the good and honor time and incentive time accrued on the sentence under which the inmate was paroled. Tenn. Code Ann. § 40-28-123; Rules of

the Tennessee Board of Paroles, Rule 1100-1-1-.13(10)(c).<sup>1</sup> No statute authorizes the Board to remove sentence credits earned in a local jail or workhouse pursuant to Tenn. Code Ann. §§41-2-123, 41-2-146, 41-2-147 or 41-21-236.

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<sup>1</sup>Good and honor time and incentive time were formerly codified in Tenn. Code Ann. §§41-21-212, 41-21-214 & 41-21-228 before being repealed. The Department of Correction is authorized to continue their application to any inmates to whom they currently apply. Tenn. Code Ann. §41-21-236(g).