

**STATE OF TENNESSEE**  
OFFICE OF THE  
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Opinion No. 03-125

Sentence Credits for Workhouse Inmates Working for Private Employers

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**QUESTION**

What work program sentence credits can a workhouse inmate earn by working for a private employer other than a government, municipality, charitable organization or nonprofit corporation?

**OPINION**

Workhouse inmates eligible to earn Tenn. Code Ann. §41-2-147 sentence credits can earn such credits for working for a private employer other than a government, municipality, charitable organization or nonprofit corporation if such labor is part of a court-approved work release program or a work release program operated under a commission established pursuant to Tenn. Code Ann. §41-2-134.

**ANALYSIS**

Tenn. Code Ann. § 41-2-147 authorizes sentence credits for performance of any of the duties set out in §41-2-123 or §41-2-146. Section 41-2-123 permits work on public property under the supervision of the county sheriff, the superintendent of the county workhouse, the municipality, or their representatives. Section 41-2-146 authorizes the sheriff or superintendent of the county to permit prisoners to participate in work programs.

Tenn. Code Ann. §41-2-148 prohibits persons responsible for the care and custody of inmates in jails or workhouses from permitting inmates to perform any labor for the gain, profit or benefit of a private citizen, or for-profit corporation, partnership or other business unless such labor is part of a court-approved work release program or unless the work release program operates under a commission established pursuant to §41-2-134. Tenn. Code Ann. §41-2-146 does not specifically define what will qualify as a work program. Consequently, court-approved work release programs and work release programs operated under §41-2-134 commissions could qualify as §41-2-146 work programs.

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