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Opinion No. 03-166

Good-Time Credits

QUESTION

Whether the good-time credits mandated by Tenn. Code Ann. §41-2-111(b) apply to pre-sentence detention as well as post-sentence detention?

OPINION

No, the good-time credits mandated by Tenn. Code Ann. §41-2-111(b) apply only to post-sentence detention, not to pre-sentence detention.

ANALYSIS

Tenn. Code Ann. §41-2-111(b) provides in relevant part:

> Each . . . prisoner *who has been sentenced* to the county jail or work house for any period of time less than one (1) year on either a misdemeanor or a felony,[1] and who behaves uprightly, shall have deducted *from the sentence imposed by the court time* equal to one quarter (¼) of such sentence. (Emphasis added).

The plain language of the statute contemplates that good-time credits apply only to post-sentence detention.

This conclusion is buttressed by Tenn. Op. Atty. Gen. No. 96-061 that distinguishes between

[1]*State v. Palmer*, 902 S.W. 2d 391, 393 (Tenn. 1995), held that misdemeanor sentencing is controlled by the 1989 Sentencing Reform Act. Tenn. Code Ann. §40-35-111 sets forth the authorized terms of imprisonment for misdemeanors and felonies. This provision effectively nullifies the reference in Tenn. Code Ann. §41-2-111(b) to felony sentences of less than one year. *See* Tenn. Op. Attorney. Gen. No. 96-061 n.12.

the ability of prisoners to earn good-time or work-related credits while serving a sentence and credit for time that the prisoner spent in jail pending trial. In that opinion, this Office opined that most criminals sentenced to county jails or workhouses can earn reductions of their sentences in two ways: the good-time credit in Tenn. Code Ann. §41-2-111(b) and the work credit set forth in Tenn. Code Ann. §41-2-147(b). Although the focus for that opinion was whether inmates sentenced to county workhouses could earn both the good behavior credits and work credits, the opinion concluded:

> [A]lthough the two types of credit [*sic*] above [the good-time credits and the work credits] cannot be earned simultaneously, there are additional credits which could apply in conjunction with either good-time or work-related credits. Those are credit for any time the prisoner spent in jail pending trial, and credit relative to consenting to certain mental examinations and treatment.

Finally, Tenn. Code Ann. §40-23-101(c) is the provision that addresses credit for pretrial detention. Thus, the opinion of this Office is that the good-time credits mandated by Tenn. Code Ann. §41-2-111(b) apply to post-sentence detention and not to pre-sentence detention.

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