

**PUBLIC CHAPTER NO. 1041****HOUSE BILL NO. 3788****By Representatives John DeBerry, Mike Turner, Shaw, Bone**

Substituted for: Senate Bill No. 3873

By Senators Kyle, Jackson, Burks

AN ACT to amend Tennessee Code Annotated, Section 41-24-102, relative to private prison contracting.

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

SECTION 1. Tennessee Code Annotated, Section 41-24-102, is amended by deleting the section in its entirety and by substituting instead the following language:

As used in this chapter, unless the context otherwise requires:

- (1) "Commissioner" means the commissioner of correction;
- (2) "Correctional services" means the following functions, services and activities, when provided within a prison or otherwise:
  - (A) Education, training and jobs programs;
  - (B) Recreational, religious and other activities;
  - (C) Development and implementation assistance for classification, management information systems, or other information systems or services;
  - (D) Food services, commissary, medical services, transportation, sanitation or other ancillary services;
  - (E) Counseling, special treatment programs, or other programs for special needs;
  - (F) Operation of facilities other than transitional facilities: including management, custody of inmates, security, and other associated services and activities; and
  - (G) Operation of transitional facilities.
- (3) "Department" means the department of correction;
- (4) "Prison" or "facility" means any adult institution operated by or under the authority of the department;

(5) "Prison contractor" or "contractor" means any entity entering a contractual agreement with the commissioner to provide correctional services to inmates under the custody of the department;

(6) "TDOC liaison" means any person appointed by the commissioner to act as the commissioner's on-site designee so that powers and duties not delegable to the contractor shall be carried out with the authority of the state; and

(7) "Transitional facility" means any adult institution operated by a non-profit entity under the authority of the department providing short-term transitional services to offenders within one (1) year of release on parole or expiration of sentence, excluding offenders convicted of a sexual offense; provided, however, that the total number of such facilities statewide shall not exceed four (4), and that the total number of beds in such facilities statewide shall not exceed, collectively, one hundred fifty (150).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 27, 2010**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 11th day of June 2010**

  
PHIL BREDESEN, GOVERNOR