

**Department of State
Division of Publications**

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Sequence Number: 11-1243
Rule ID(s): 5607-5610
File Date: 11/27/13
Effective Date: 4/30/14

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Department of Correction
Division:	Office of General Counsel
Contact Person:	Bryce Coatney
Address:	320 Sixth Avenue North, 6 th Floor
Zip:	37243
Phone:	615-253-8231
Email:	Bryce.Coatney@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0420-01-01	Correctional Services Contracting
Rule Number	Rule Title
0420-01-01-.01	Summary and Purpose
0420-01-01-.02	Definitions
0420-01-01-.03	Authority to Contract
0420-01-01-.04	Contract Procedures for Management of Carter County Correctional Facility
0420-01-01-.05	Contract Terms for Management of Carter County Correctional Facility
0420-01-01-.06	Additional Terms for All Correctional Services Contracts

Chapter Number	Chapter Title
0420-03-01	Prisoner Performance Sentence Credits
Rule Number	Rule Title
0420-03-01-.01	Statement of Intent
0420-03-01-.02	PPSC Are a Privilege
0420-03-01-.03	Assignment to Programs
0420-03-01-.04	Amount of Credit
0420-03-01-.05	Part-Time Programs
0420-03-01-.06	Incentive Time
0420-03-01-.07	Definitions
0420-03-01-.08	Suspension, Dismissal or Withdrawal from PPSC Program

Chapter Number	Chapter Title
0420-03-01	Prisoner Performance Sentence Credits
Rule Number	Rule Title
0420-03-01-.09	Classes of Disciplinary Offenses
0420-03-01-.10	Disciplinary Procedure
0420-03-01-.11	Restrictions Upon Earning PPSC
0420-03-01-.12	Restoration of PPSC or Incentive Time Taken
0420-03-01-.13	Modification of Procedures
0420-03-01-.14	Effective Date

Chapter Number	Chapter Title
0420-03-02	Guidelines
Rule Number	Rule Title
0420-03-02-.01	Statement of Intent
0420-03-02-.02	Classification of Offenders
0420-03-02-.03	Imposition of Harsher Penalties
0420-03-02-.04	Commission of Additional Offenses
0420-03-02-.05	Punishment Guidelines
0420-03-02-.06	Restoration of Sentence Credits
0420-03-02-.07	Administrative Segregation
0420-03-02-.08	Effective Date

Chapter Number	Chapter Title
0420-03-03	Urinalysis Drug Screening Program
Rule Number	Rule Title
0420-03-03-.01	Preface
0420-03-03-.02	Application
0420-03-03-.03	Definitions
0420-03-03-.04	Procedures

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.in.us/sos/rules/1360/1360.htm>)

Chapter 0420-01-01, Correctional Services Contracting, is repealed in its entirety.

Authority: T.C.A. § 41-24-115

Chapter 0420-03-01, Prisoner Performance Sentence Credits, is repealed in its entirety

Authority: T.C.A. §§ 4-5-102, 4-3-603, 4-3-606, 4-6-102

Chapter 0420-03-02, Guidelines, is repealed in its entirety

Authority: T.C.A. §§ 4-5-102, 4-3-603, 4-3-606, 4-6-102

Chapter 0420-03-03, Urinalysis Drug Screening Program, is repealed in its entirety

Authority: T.C.A. §§ 4-5-102, 4-3-603, 4-3-606, 4-6-102

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Department of Correction on 8/15/2013, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 8/15/2013

Signature: *Derrick Schofield*

Name of Officer: Derrick Schofield

Title of Officer: Commissioner



MY COMMISSION EXPIRES:
July 6, 2015

Subscribed and sworn to before me on: 8/15/2013

Notary Public Signature: *[Signature]*

My commission expires on: July 6, 2015

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Robert E. Cooper, Jr.
Attorney General and Reporter
11-18-13
Date

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RECEIVED
2013 NOV 27 PM 12:02
SECRETARY OF STATE

Filed with the Department of State on: 11/27/13

Effective on: 4/30/14

Tre Hargett
Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The repeal of Chapter 0420-01-01 will not affect small business, because the foregoing rule is simply duplicative of the existing provisions of statute.

The repeal of Chapter 0420-03-01 will not affect small business because the subject matter applies only to the sentences of inmates.

The repeal of Chapter 0420-03-02 will not affect small business because the subject matter applies only to the disciplinary control of inmates.

The repeal of Chapter 0420-03-03 will not affect small business because the subject matter applies only to the surveillance of inmates for use of illegal drugs.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

(Insert statement here)

The repeal of Chapter 0420-01-01 will not affect local government, because the foregoing rule is simply duplicative of the existing provisions of statute.

The repeal of 0420-03-01 will not affect local government. The application of prisoner sentence credits does not meet the definition of a rule set forth in T.C.A. § 4-5-102. The administration of sentence credits is conducted pursuant to policy and procedure of the Department of Correction and conforms to the requirements of statute for prisoner sentence management.

The repeal of Chapter 0420-03-02 will not affect local government because the subject matter applies only to the disciplinary control of inmates housed in Department of Correction institutions.

The repeal of Chapter 0420-03-03 will not affect local government because the subject matter applies only to the surveillance of inmates for use of illegal drugs.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Chapter 0420-01-01 simply repeats the provisions of T.C.A. § 41-24-101 et seq., which governs Correctional Services Contracting. Repeal of the rule is sought because the rule has not been necessary to effectuate the statute.

Chapter 0402-03-01 nominally establishes procedure for the application of sentence reduction credits for inmates who participate in certain correctional programs. Such procedure no longer meets the definition of a rule under the Uniform Administrative Procedures Act. The administration of sentence credits is now provided for in Department of Correction policy.

Chapter 0402-03-02 nominally establishes guidelines for the discipline of Department of Correction inmates. Such procedure no longer meets the definition of a rule under the Uniform Administrative Procedures Act. Procedures for inmate discipline are now provided for in Department of Correction policy.

Chapter 0402-03-03 nominally establishes procedure for testing inmates for the use of illegal drugs. Such procedure no longer meets the definition of a rule under the Uniform Administrative Procedures Act. The testing of inmates for illegal drug use is now provided for in Department of Correction policy.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

With regard to Chapter 0420-01-01, T.C.A. § 41-24-115 provides that the Commissioner is authorized and directed to promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, as required to effectuate the purposes of this chapter. It has not been necessary that a rule be promulgated to effectuate the chapter.

T.C.A. § 41-21-236 provides for sentence credits that inmates may earn for good behavior and satisfactory participation in vocational and education programs. T.C.A. § 41-21-401 et seq. provides for the punishment of inmate misconduct, generally. § 404 in particular provides that no inmate is to be punished in any way other than provided in Title 41, except by the authority of the commissioner of correction. T.C.A. § 41-1-119 sets forth requirements as to the testing of inmates for illegal drug use. Subsection (b) of this statute authorizes the commissioner to promulgate rules for drug testing pursuant to the Uniform Administrative Procedures Act. With regard to all of the foregoing (Chapter 0402-03-01, as to prisoner sentence credits, Chapter 0402-03-02, as to inmate disciplinary guidelines, and Chapter 042003-03, as to drug testing of inmates), T.C.A. § 4-5-102(12)(G), now provides that statements concerning inmates of correctional institutions are not administrative rules.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Pursuant to T.C.A. § 41-24-115, the Department of Correction contracts with Corrections Corporation of America for the operation of the South Central Correctional Facility at Clifton. There is no indication that the contractor or any other entity public or private is affected by or has a particular interest in the presence or absence of a rule for implementation of the statute, given that the statute has been implemented without the necessity of a rule.

Inmates of Tennessee Department of Correction institutions are the only persons directly affected by the application of Chapter 0402-03-01, as to prisoner sentence credits, Chapter 0402-03-02, as to inmate disciplinary guidelines, and Chapter 0420-03-03, as to drug testing of inmates. Inmates cannot claim an interest in administrative proceedings as to the substance of these measures, because procedural statements regarding the management of inmates no longer qualify as rules, within the meaning of T.C.A. § 4-5-102(12).

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

We find no Judicial or Attorney General opinion directly relating to Chapters 0420-01-01, 0420-03-01, 0420-03-02, or 0420-03-03.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Repeal of the foregoing chapters should have no effect on state and local government revenues and expenditures, because repeal of these chapters will not effectuate any change in administration of State and local correctional programs.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Bryce Coatney, Staff Attorney; Judy Lambert, Assistant Director of Fiscal Services

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Bryce Coatney, Staff Attorney

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

320 Sixth Avenue North, 6th Floor, Nashville, TN 37243; Telephone (615)253-8231

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Tennessee Rules and Regulations ^{Currentness}

0420. Department of Correction

0420-01. Administrative Services Division

Chapter 0420-01-01. Correctional Services Contracting Table of Contents (Refs & Annos)

Tenn. Comp. R. & Regs. 0420-01-01-.01

0420-01-01-.01 SUMMARY AND PURPOSE.

~~The Private Prison Contracting Act of 1986, T.C.A. §§41-24-101 et seq., authorizes the Tennessee Department of Correction to contract with private concerns on a limited basis to afford an opportunity to determine if savings and efficiencies can be effected for the operation of correctional facilities while assuring that the interests of the state's citizens and employees are fully protected.~~

Credits

Authority. T. C.A. §41-24-115. **Administrative History:** (For history prior to November, 1986, see page 1.) New rule filed August 7, 1986; effective November 29, 1986.

Current through rules effective September 2013

Tenn. Comp. R. & Regs. 0420-01-01-.01, TN ADC 0420-01-01-.01

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Tennessee Rules and Regulations ^{Currentness}

0420. Department of Correction

0420-01. Administrative Services Division

Chapter 0420-01-01. Correctional Services Contracting Table of Contents (Refs & Annos)

Tenn. Comp. R. & Regs. 0420-01-01-.02

0420-01-01-.02 DEFINITIONS.

(1) For the purpose of these rules, the following definitions shall apply unless the context requires otherwise:

~~(a) Department means the Tennessee Department of Correction.~~

~~(b) Commissioner means the Commissioner of the Tennessee Department of Correction.~~

~~(c) Prison or facility means any adult institution operated by or under the authority of the Tennessee Department of Correction.~~

~~(d) Correctional services means the following functions, services and activities, when provided within a prison or otherwise:~~

~~1. Education, training and job programs;~~

~~2. Recreational, religious and other activities;~~

~~3. Development and implementation assistance for classification, management information systems, or other information systems or services;~~

~~4. Food services, commissary, medical services, transportation, sanitation, or other ancillary services;~~

~~5. Counseling, special treatment programs, or other programs for special needs;~~

~~6. Operation of facilities, including management, custody of inmates, and providing security;~~

~~(e) Prison contractor or contractor means any entity entering into contractual agreement with the Commissioner to provide correctional services to inmates under the custody of the Tennessee Department of Correction.~~

Credits

Authority. T. C.A. §41-24-102. **Administrative History:** (For history prior to November, 1986, see page 1.) New rule filed August 7, 1986; effective November 29, 1986.

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Tenn. Comp. R. & Regs. 0420-01-01-.02, TN ADC 0420-01-01-.02

Tennessee Rules and Regulations ^{Currentness}

0420. Department of Correction

0420-01. Administrative Services Division

Chapter 0420-01-01. Correctional Services Contracting Table of Contents (Refs & Annos)

Tenn. Comp. R. & Regs. 0420-01-01-.03

0420-01-01-.03 AUTHORITY TO CONTRACT.

~~The Commissioner is authorized to enter into contracts with private concerns for correctional services when he deems such appropriate, subject to the requirements and procedures of T.C.A. §§12-4-109 and 12-4-110 and any additional requirements contained within the Private Prison Contracting Act of 1986, T.C.A. §41-24-101 et seq. Such Act authorizes contracts for operation of facilities only for the Carter County Correctional Facility.~~

Credits

Authority. T.C.A. §§41-24-103 and 41-24-115. *Administrative History:* (For history prior to November, 1986, see page 1.)
New rule filed August 7, 1986; effective November 29, 1986.

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Tenn. Comp. R. & Regs. 0420-01-01-.03, TN ADC 0420-01-01-.03

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0420. Department of Correction

0420-01. Administrative Services Division

Chapter 0420-01-01. Correctional Services Contracting Table of Contents (Refs & Annos)

Tenn. Comp. R. & Regs. 0420-01-01-.04

0420-01-01-.04 ~~CONTRACT PROCEDURES FOR MANAGEMENT OF CARTER COUNTY CORRECTIONAL FACILITY.~~

~~(1) Any contract for the operation of the Carter County Correctional Facility, including management, custody of inmates and provision of security may be entered into only after each of the following requirements and/or conditions are met:~~

~~(a) Any request for proposals, any original contract, any contract renewal and any price and/or cost adjustment or any other amendment to any contract shall first be approved by the following:~~

- ~~1. The State Building Commission;~~
- ~~2. The State Attorney General; and~~
- ~~3. The Commissioner of Correction.~~

~~(b) Each of the following legislative committees shall review any request for proposals, any original contract, and any proposed contract renewal:~~

- ~~1. Select Oversight Committee on Corrections;~~
- ~~2. Fiscal Review Committee;~~
- ~~3. Senate State and Local Government Committee;~~
- ~~4. House State and Local Government Committee.~~

~~(c) To be considered for an award of a contract, the proposer must demonstrate to the satisfaction of each of the officials set forth in subsection (1) (a) of this paragraph that it has:~~

- ~~1. The qualifications, operations and management experience and experienced personnel necessary to carry out the terms of the contract;~~
- ~~2. The ability to comply with applicable correctional standards and specific court orders, if required; and~~
- ~~3. Demonstrated history of successful operation and management of other correctional facilities.~~

~~(2) Proposer must agree that the state may cancel the contract at any time after the first year of operation, without penalty to the state, upon giving ninety (90) days written notice.~~

~~(a) Any such contract may provide for annual contract price and/or cost adjustments: provided, however, any such adjustments may be made only once each year effective upon the anniversary of the effective date of the contract. If any adjustment is made pursuant to terms of the contract, it shall be applied to total payments made to the contractor for the previous contract year and shall not exceed the percent of change in the average consumer price index (all~~

items city average) as published by the United States Department of Labor, Bureau of Labor Statistics between that figure for the latest calendar year and the next previous calendar year.

(b) Any price and/or cost adjustment to any such contract different from those authorized by subparagraph (a) of this paragraph may be made only if the General Assembly specifically authorizes such adjustments and appropriates funds for such purpose, if required.

(3) No award of any such contract shall be made unless an acceptable proposal is received pursuant to any request for proposal. An "acceptable" proposal means a proposal which meets all the requirements and/or conditions set forth in the act and meets all the requirements in the request for proposal. In addition, prior to the award of any such contract, the following requirements shall be met:

(a) No proposal shall be accepted unless such proposal offers substantial cost savings to the state. Whether a proposal offers substantial cost savings to the state shall be determined as follows:

1. Proposers shall offer to provide the services requested for a fixed annual contract amount.

2. The Commissioner of the Department of Correction, the Commissioner of the Department of Finance and Administration, the Comptroller of the Treasury, and the Executive Director of the Fiscal Review Committee shall determine the likely annual full cost of monitoring any such contract.

3. The proposer's annual cost shall be the sum of the costs of items (a) 1 and 2 of this subparagraph.

4. The Commissioner of the Department of Correction, the Commissioner of the Department of Finance and Administration, the Comptroller of the Treasury, and the Executive Director of the Fiscal Review Committee shall determine the likely full annual cost to the state of providing the services requested.

5. A proposer shall be considered to offer substantial cost savings only if the proposer's annual cost as determined in item (a) (3) of this subparagraph is at least five percent (5%) less than the likely full cost to the state of providing the same services as determined in item (a) (4) of this subparagraph.

(b) No proposal shall be accepted unless such proposal offers a level and quality of services which are at least equal to those which would be provided by the state. The Select Oversight Committee on Corrections shall review the proposals and shall advise the persons listed in subparagraph (1) (a) of this rule on the level and quality of services proposed.

(4) Prior to the awarding of any such contract, the following certifications must have taken place and/or been provided:

(a) A plan shall be developed and certified by the Governor which demonstrates the method by which the state would resume control of the prison upon contract termination. Such plan shall be submitted for review and comment to the Select Oversight Committee on Corrections and the oversight committee shall solicit comments from law enforcement agencies, district attorneys general, criminal judges in the county in which the prison is located and the surrounding counties.

(b) The Commissioner of Correction shall certify to the Select Oversight Committee on Corrections that the security procedures proposed by the contractor are equal or superior to the security procedures in effect at existing state operated prisons and the Commissioner shall comment on the relationship of the procedures proposed by the contractor to each standard of security and control specified in the Standards for Adult Correctional Institutions by the American Correctional Association.

(c) The contractor must provide audited financial statements for the previous five (5) years or for each of the years the contractor has been in operation, if fewer than five (5) years; and provide other financial information as requested;

(d) The contractor must provide an adequate plan of insurance, specifically including insurance for civil rights claims;

~~as determined by an independent risk management/actuarial firm with demonstrated experience in public liability for state governments. Such firm shall be selected by the Commissioner of the Department of Commerce and Insurance with the concurrence of the Board of Claims. In determining the adequacy of the plan such firm shall determine whether:~~

- ~~1. The insurance is adequate to protect the state from any and all actions by a third party against the contractor or the state as a result of the contract;~~
- ~~2. The insurance is adequate to protect the state against any and all claims arising as a result of any occurrence during the term of the contract; that is, the insurance is adequate on an occurrence basis, not on a claims made basis;~~
- ~~3. The insurance is adequate to assure the contractor's ability to fulfill its contract with the state in all respects, and to assure that the contractor is not limited in this ability because of financial liability which results from judgments; and~~
- ~~4. The insurance is adequate to satisfy such other requirements specified by the independent risk management/actuarial firm.~~

Credits

Authority: T.C.A. §41-24-104, 41-24-105, 41-24-107 and 41-24-115. *Administrative History:* (For history prior to November, 1986, see page 1.) New rule filed August 7, 1986; effective November 29, 1986.

Current through rules effective September 2013

Tenn. Comp. R. & Regs. 0420-01-01-.04, TN ADC 0420-01-01-.04

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Tennessee Rules and Regulations ^{Currentness}

0420. Department of Correction

0420-01. Administrative Services Division

Chapter 0420-01-01. Correctional Services Contracting Table of Contents (Refs & Annos)

Tenn. Comp. R. & Regs. 0420-01-01-.05

0420-01-01-.05 ~~CONTRACT TERMS FOR MANAGEMENT OF CARTER COUNTY CORRECTIONAL FACILITY.~~

~~(1) The following terms or conditions must be included in any contract for the operation of the Carter County Correctional Facility, including management, custody of inmates and provisions of security;~~

~~(a) The initial contract term shall be for a period of three (3) years.~~

~~(b) The initial contract may include an option to renew for an additional period of two (2) years.~~

~~(c) After the first two (2) years of operation, but before renewing the initial contract, the performance of the contractor shall be compared to the performance of the state in operating similar facilities.~~

~~(d) The contract may be renewed only if the contractor is providing at least the same quality of services as the state at a lower cost, or if the contractor is providing services superior in quality to those provided by the state at essentially the same cost.~~

~~(e) The quality of services provided by the contractor and by the state at similar facilities shall be compared by the Select Oversight Committee on Corrections. The Committee shall determine whether the services provided by the contractor are superior, essentially equal, or poorer than services provided by the state. In making its determination, the Committee shall consider those factors required by law and such other factors as they may deem appropriate. The Committee shall report its determination to the parties responsible for determining whether the contract should be renewed.~~

~~(f) The Fiscal Review Committee shall compare the full costs of the contractor with the state's full costs of operating similar facilities. The Committee shall determine whether the contractor is providing services at greater, essentially equal, or lower cost. In making its determination, the Committee shall consider all relevant costs of operation, including direct and indirect costs which should be allocated or assigned to the operations. The costs attributable to the contractor shall include any costs of monitoring the contract incurred by the Department of Correction or any other state agency which would not have been incurred by the state otherwise. The committee shall report its determination to the parties responsible for determining whether the contract should be renewed.~~

~~(g) The contract must include adequate provisions to insure that applicants for employment and employees are provided those rights and privileges as may be required by law.~~

Credits

Authority: T.C.A. §§41-24-105 and 41-24-115. **Administrative History:** (For history prior to November, 1986, see page 1.)
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Tennessee Rules and Regulations ^{Currentness}

0420. Department of Correction

0420-01. Administrative Services Division

Chapter 0420-01-01. Correctional Services Contracting Table of Contents (Refs & Annos)

Tenn. Comp. R. & Regs. 0420-01-01-.06

~~0420-01-01-.06 ADDITIONAL TERMS FOR ALL CORRECTIONAL SERVICES CONTRACTS.~~

~~(1) No contract for correctional services shall authorize, allow or imply a delegation of the authority or responsibility of the Commissioner to a prison contractor for any of the following:~~

~~(a) Developing and implementing procedures for calculating inmate release and parole eligibility dates;~~

~~(b) Developing and implementing procedures for calculating and awarding sentence credits;~~

~~(c) Approving inmates for furlough and work release;~~

~~(d) Approving the type of work inmates may perform, and the wages or sentence credits which may be given to inmates engaging in such work; and~~

~~(e) Granting, denying or revoking sentence credits; placing an inmate under less restrictive custody or more restrictive custody; or taking any disciplinary actions.~~

~~(2) All existing provisions of law shall apply to a prison contractor except as provided in these rules or otherwise provided in law.~~

~~(a) Title 12, Chapter 3, relative to public purchases, shall not apply to purchases and procurements of a prison contractor providing correctional services;~~

~~(b) Title 8, chapter 30, relative to civil service, shall not apply to employees of a prison contractor.~~

~~(c) A prison contractor providing correctional services shall not be bound by provisions of law governing the appointment, qualifications and duties of wardens, superintendents and other correctional employees, including provisions of Title 4, Chapter 6, and Title 41, Chapter 1, except as required to comply with the Constitution of Tennessee.~~

~~(d) Title 8, chapters 34 and 35, relative to membership in the Tennessee Consolidated Retirement System, shall not apply to employees of prison contractor except as provided specifically in the Private Prison Contract Act of 1986.~~

~~(3) Each contract shall provide adequate provisions to insure that the Commissioner is provided that information and/or access necessary to allow him to fully monitor the performance of the prison contractor.~~

Credits

Authority: T.C.A. §§-24-109, 41-24-110, 41-24-111, 41-24-115. **Administrative History.** (For history prior to November, 1986, see page 1.) New rule filed August 7, 1986, effective November 29, 1986.

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Tenn. Comp. R. & Regs. 0420-01-01-.06, TN ADC 0420-01-01-.06

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