

West's Tennessee Code Annotated

Title 40. Criminal Procedure

Chapter 35. Tennessee Criminal Sentencing Reform Act of 1989 (Refs & Annos)

Part 1. General Provisions

T. C. A. § 40-35-103

§ 40-35-103. Principles

Effective: July 1, 2019

Currentness

To implement the purposes of this chapter, the following principles apply:

(1) Sentences involving confinement should be based on the following considerations:

(A) Confinement is necessary to protect society by restraining a defendant who has a long history of criminal conduct;

(B) Confinement is necessary to avoid depreciating the seriousness of the offense or confinement is particularly suited to provide an effective deterrence to others likely to commit similar offenses; or

(C) Measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the defendant;

(2) The sentence imposed should be no greater than that deserved for the offense committed;

(3) Inequalities in sentences that are unrelated to a purpose of this chapter should be avoided;

(4) The sentence imposed should be the least severe measure necessary to achieve the purposes for which the sentence is imposed;

(5) The potential or lack of potential for the rehabilitation or treatment of the defendant should be considered in determining the sentence alternative or length of a term to be imposed. The length of a term of probation may reflect the length of a treatment or rehabilitation program in which participation is a condition of the sentence;

(6) Trial judges are encouraged to use alternatives to incarceration that include requirements of reparation, victim compensation, community service or all of these; and

(7) Available community-based alternatives to confinement and the benefits that imposing such alternatives may provide to the community should be considered when the offense is nonviolent and the defendant is the primary caregiver of a dependent child.

### **Credits**

1989 Pub.Acts, c. 591, § 6; 2019 Pub.Acts, c. 309, § 1, eff. July 1, 2019.

### **Editors' Notes**

#### **COMMENTS OF THE TENNESSEE SENTENCING COMMISSION**

The sentencing principles set forth in this section must be considered by the judge in imposing appropriate penalties for persons convicted of violating the law. See § 40-35-210(b)(3). In addition, the considerations must be read in light of the policy purposes set forth in § 40-35-102.

Subdivision (1) restates those factors which must be considered when confinement is utilized as a sentencing option. Subdivisions (2), (3) and (4) are similar to prior law and require uniformity of sentencing. Subdivisions (5) and (6) require that rehabilitation and treatment be considered in determining the available sentencing options.

Notes of Decisions (249)

T. C. A. § 40-35-103, TN ST § 40-35-103

Current with laws from the 2023 Regular Sess. and 1st Extraordinary Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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