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Work Release Programs by Counties

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Work Release Programs by Counties

Reference Number: CTAS-1460

All counties in the state, except as set forth below, may institute a work release program in accordance with the provisions of Title 41, Chapter 2. T.C.A. § 41-2-133(a).

The provisions of T.C.A. § 41-2-133 do not apply to any county having a population of:

Not less than	Nor more than
14,400	14,500
19,500	19,600
20,200	20,300
28,000	28,100
30,400	30,500

according to the 1970 federal census or any subsequent federal census. T.C.A. § 41-2-133(b). As of 2006, the excepted counties include Bedford, Crockett, Dyer, Haywood, Lauderdale, and Tipton.

Work Release Commission

Tennessee Code Annotated section 41-2-134(a) creates a commission in each county not excepted by T.C.A. § 41-2-133(b) with the authority to authorize prisoners to come under a work release program whenever any person has been committed to the workhouse or similar place of confinement and to approve educational programs established pursuant to T.C.A. § 41-2-145.

The commission as authorized in T.C.A. § 41-2-134 is authorized and empowered to permit prisoners to leave the workhouse during approved working hours to work at a place of employment and to earn a living to meet in whole or in part the cost of the prisoner's current financial obligations. The prisoner must return to the workhouse each day after work and may be released only for related rehabilitative purposes as recommended by the correctional/rehabilitation work release coordinator. T.C.A. § 41-2-134(b).

In Shelby and Davidson Counties, the commission shall be composed of not more than 12 members nor fewer than three members, who shall meet as three-member panels to review and approve applications for work release. In other counties, the commission shall be composed of three members. T.C.A. § 41-2-134(c)(1) and (c)(2).

In all counties:

1. The sheriff or workhouse superintendent shall appoint the members of the commission subject to the approval of the county legislative body;
2. Each member shall serve a four-year term; and
3. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

T.C.A. § 41-2-134(c)(3).

The commission shall meet weekly or at the call of the sheriff at the sheriff's office. T.C.A. § 41-2-134(d).

Guidelines for Work Release Programs

Reference Number: CTAS-2040

Cost

The state's share of the cost imposed on local governments by the work release program as instituted by T.C.A. § 41-2-132 are funded by the increase in state taxes apportioned by law to cities and counties that are not specifically earmarked for a particular purpose. T.C.A. § 41-2-133(c).

Jurisdiction of Sentencing Court

The sentencing court has no authority to grant a furlough to a defendant pursuant to the authority of T.C.A. § 40-35-316(a) for the purpose of allowing a defendant to work unless the defendant is held to and meets all of the eligibility and supervision requirements, testing standards and other criteria imposed by or pursuant to state law. T.C.A. § 40-35-316(b).

Petition to Come Under the Work Release Program

A prisoner desiring to come under the work release program must file a petition with the work release coordinator of the correctional/rehabilitation division. The petition must be joined in by the sheriff and concurred with by the superintendent and approved by the commission. T.C.A. § 41-2-135.

Grounds for Removal from Program

Any prisoner placed under the work release program may be taken out of the program for just cause by

the commission. In the event a prisoner is taken out of the work release program, the prisoner must remain in the workhouse and complete his or her sentence. T.C.A. § 41-2-136.

Penalty for Failure to Return from Work on Time

In the event a prisoner placed under the work release program does not return to the workhouse at the time specified by the superintendent or the work release coordinator, such failure to return constitutes prima facie evidence of intent to escape, and the prisoner shall be subject to such penalties as are imposed or shall hereafter be imposed under the general law of the state for persons charged with the crime of escape. T.C.A. § 41-2-137.

Monthly Report to Sentencing Judge

The superintendent of the workhouse must file a monthly report with respect to each prisoner placed under the work release program with the judge by whom the prisoner was sentenced advising the judge as to the conduct and financial achievement of the prisoner. T.C.A. § 41-2-138.

Liability of Participating Prisoners for Program Costs

Any prisoner placed under the work release program who has been convicted of a misdemeanor must pay to the workhouse, for housing, board and administration of the program, the sum of not less than six dollars nor more than \$28 for each day the prisoner works away from the workhouse, in addition to any fine imposed by the court. The above amount shall be determined by the board of workhouse commissioners established by T.C.A. § 41-2-134 and in accordance with T.C.A. § 41-2-129(b)(1). T.C.A. § 41-2-139.

Rules and Regulations Governing Work Release Program

The sheriff, the correctional/rehabilitation work release coordinator, and the superintendent of the workhouse must establish rules and regulations for the orderly operation of the work release program. The rules and regulations must be approved by the commission. A violation of any rules and regulations so promulgated shall constitute cause for the removal of the prisoner from the program under the provisions of T.C.A. § 41-2-136. T.C.A. § 41-2-141.

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