



Understanding Tennessee's Clemency Application Process for People Serving Drug-Free Zone Sentences

Background: In 2020, the Tennessee legislature reformed its mandatory sentences for drug-free school zone offenses by passing SB 2734 by a vote of 88-4 in the House of Representatives and a vote of 31-0 in the Senate. The law went into effect on September 1, 2020, but applied only to people who committed offenses after that date. FAMM supported SB 2734 and began working for this reform in 2018. Immediately after the law passed, FAMM called on Governor Bill Lee to grant clemency to the hundreds of people already in prison serving drug-free zone sentences.

What SB 2734 Did: SB 2734 reformed Tennessee's drug-free zone sentencing law by

- **Reducing the overbroad drug-free zones from 1,000 feet to 500 feet** of or within the area between the relevant property and a federal highway, whichever is less.
- **Making the mandatory sentencing enhancement optional for courts and creating a presumption that the enhanced sentence does NOT apply.** To impose the mandatory minimum sentence, the court must now find that the drug offense “exposed vulnerable persons to the distractions and dangers that are incident to the occurrence of illegal drug activity.”
- **Allowing people sentenced for a drug-free zone offense to receive earned time, and be eligible for parole,** unless the court imposes the mandatory enhanced sentence.

However, **SB 2734 was not retroactive**, leaving approximately 335 people in state prisons serving lengthy mandatory sentences with no parole or earned time eligibility.

What Governor Lee's Clemency Initiative Does: On December 2, 2021, Governor Lee announced that he would establish an expedited clemency application and review process for approximately 335 people still incarcerated in state prisons for drug-free zone offenses. People must meet certain criteria to apply, and no one is guaranteed clemency. A grant of clemency from the governor can change a person's parole eligibility date and potentially reduce a sentence.

Who can apply for clemency: People are eligible to apply for clemency from Governor Lee if they meet ALL of these criteria:

1. They are currently serving a mandatory minimum sentence for a drug-free zone offense committed in Tennessee before September 1, 2020, AND
2. The drug-free school zone offense(s) for which they seek clemency DO NOT involve the sale or distribution of drugs to a person aged 17 or under, AND
3. They have NOT done ANY of the following in the past 3 years in prison:
 - Incurred a drug-related disciplinary infraction
 - Had a positive drug screen
 - Been dismissed from a drug treatment program.



How to apply for clemency:

1. Make sure you or your loved one meet the eligibility criteria
2. Fill out this application form: <https://www.tn.gov/correction/drug-free-school-zone-convictions.html>
3. Submit the completed application form to the Tennessee Department of Correction at

Email: tdoc803@tn.gov

Regular Mail:

TDOC GENERAL COUNSEL
ATTN: Drug Zone Review
6th Floor, Rachel Jackson Building
320 Sixth Ave. N.
Nashville, TN 37243

Who should I or my loved one contact with questions about the application form?

If you have questions about the application, contact your or your loved one's Institutional Probation/Parole Officer (IPPO) or the TDOC office at (615) 741-1000.

Should people hire an attorney to help them apply?

Generally, people do not need an attorney to help them file a request for clemency. Many people file without hiring a lawyer. However, if you desire or feel you need the help of a lawyer, you may do so. Please note that FAMM does not provide legal referrals, representation, or advice, or submit support letters or other materials in favor of individual clemency applications.

Does this reform help people in federal prisons in Tennessee?

No. The drug-free zone reform and Governor Lee's clemency initiative only apply to people convicted under state law in state courts, not to people convicted under federal law in federal courts.