

HOUSE BILL 1640

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 16;  
Title 33; Title 37; Title 39 and Title 40, relative to  
mental health.

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

SECTION 1. Tennessee Code Annotated, Section 16-10-213(a)(1)(B), is amended by deleting the subdivision and substituting:

(B) A finding of insanity or that a person is incompetent to stand trial by a court in a criminal proceeding; or

SECTION 2. Tennessee Code Annotated, Section 16-11-206(a)(1)(B), is amended by deleting the subdivision and substituting:

(B) A finding of insanity or that a person is incompetent to stand trial by a court in a criminal proceeding; or

SECTION 3. Tennessee Code Annotated, Section 16-15-303(g)(1)(A)(ii), is amended by deleting the subdivision and substituting:

(ii) A finding of insanity or that a person is incompetent to stand trial by a court in a criminal proceeding; or

SECTION 4. Tennessee Code Annotated, Section 16-16-120(a)(1)(B), is amended by deleting the subdivision and substituting:

(B) A finding of insanity or that a person is incompetent to stand trial by a court in a criminal proceeding; or

SECTION 5. Tennessee Code Annotated, Section 33-5-403, is amended by redesignating the section as subsection (a) and adding the following new subsection:

(b) There is a rebuttable presumption that a person who has been charged with a criminal offense and found by a court to be incompetent to stand trial due to an intellectual disability poses a substantial likelihood of serious harm as required by subdivision (a)(2).

SECTION 6. Tennessee Code Annotated, Section 33-5-501(3), is amended by deleting the language "may" and substituting "shall".

SECTION 7. Tennessee Code Annotated, Section 33-6-502, is amended by redesignating the section as subsection (a) and adding the following new subsection:

(b) There is a rebuttable presumption that a person who has been charged with a criminal offense and found by a court to be incompetent to stand trial because of mental illness poses a substantial likelihood of serious harm as required by subdivision (a)(2).

SECTION 8. Tennessee Code Annotated, Section 33-7-401(4), is amended by deleting the language "may" and substituting "shall".

SECTION 9. Tennessee Code Annotated, Section 39-17-1301(1)(B), is amended by deleting the subdivision and substituting:

(B) A finding of insanity or that a person is incompetent to stand trial by a court in a criminal proceeding; or

SECTION 10. Tennessee Code Annotated, Section 39-17-1307, is amended by adding the following new subsection:

(i)

(1) A person commits an offense who carries or possesses a firearm and has been adjudicated as a mental defective or judicially committed to a mental institution.

(2) An offense under subdivision (i)(1) is a Class A misdemeanor.

SECTION 11. Tennessee Code Annotated, Section 39-17-1316(q), is amended by adding the following new subdivision (q)(4) and redesignating the current subdivision (q)(4) appropriately:

(4) It is an offense for a person to knowingly purchase or attempt to purchase a firearm if the person has been judicially committed to a mental institution or adjudicated as a mental defective.

SECTION 12. This act takes effect July 1, 2024, the public welfare requiring it.