

Amendment No. 1 to HB1640

Hulsey  
Signature of Sponsor

**AMEND Senate Bill No. 1769**

**House Bill No. 1640\***

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as "Jillian's Law."

SECTION 2. Tennessee Code Annotated, Section 16-10-205, is amended by deleting the language "18 U.S.C. § 922(d)(4) and (g)(4)" wherever it appears and substituting "18 U.S.C. § 922(d)(4) and (g)(4), Section 19, or Section 20".

SECTION 3. 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 4. Tennessee Code Annotated, Section 16-11-202, is amended by deleting the language "18 U.S.C. § 922(d)(4) and (g)(4)" wherever it appears and substituting "18 U.S.C. § 922(d)(4) and (g)(4), Section 19, or Section 20".

SECTION 5. 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 6. 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 7. Tennessee Code Annotated, Section 16-15-405, is amended by deleting the language "18 U.S.C. § 922(d)(4) and (g)(4)" wherever it appears and substituting "18 U.S.C. § 922(d)(4) and (g)(4), § 39-17-1307(i), Section 19, or Section 20".

SECTION 8. 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 9. Tennessee Code Annotated, Section 16-16-121, is amended by deleting the language "18 U.S.C. § 922(d)(4) and (g)(4)" wherever it appears and substituting "18 U.S.C. § 922(d)(4) and (g)(4), § 39-17-1307(i), Section 19, or Section 20".

SECTION 10. Tennessee Code Annotated, Section 33-5-403, is amended by redesignating the section as subsection (a) and adding the following new subsection:

(b)

(1) There is a rebuttable presumption that a person meets the standards in subdivisions (a)(1)–(4) for judicial commitment if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to an intellectual disability.

(2) The presumption established by subdivision (b)(1) may only be rebutted by clear and convincing evidence that the person does not pose a substantial likelihood of serious harm.

SECTION 11. Tennessee Code Annotated, Section 33-5-410, is amended by adding the following new subsection:

(g) A person committed under § 33-5-403(b)(1) must remain committed until the competency of the person to stand trial is restored or, if competency is unable to be restored but the person no longer meets the standard set in § 33-5-403, until the court with criminal jurisdiction over the charges approves a mandatory outpatient treatment plan that accounts for the safety of the community.

SECTION 12. Tennessee Code Annotated, Section 33-5-501(3), is amended by deleting the language "may" and substituting "shall".

SECTION 13. Tennessee Code Annotated, Section 33-6-403, is amended by redesignating the section as subsection (a) and adding the following new subsection:

(b)

(1) There is a rebuttable presumption that a person meets the standard in subsection (a) for emergency admission to a hospital or treatment resource if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness.

(2) The presumption established by subdivision (b)(1) may only be rebutted by clear and convincing evidence that the person does not pose an immediate substantial likelihood of serious harm.

SECTION 14. Tennessee Code Annotated, Section 33-6-502, is amended by redesignating the section as subsection (a) and adding the following new subsection:

(b)

(1) There is a rebuttable presumption that a person meets the standard in subsection (a) for judicial commitment if the person was charged with a felony or Class A misdemeanor and found by a court to be incompetent to stand trial for the offense due to mental illness.

(2) The presumption established by subdivision (b)(1) may only be rebutted by clear and convincing evidence that the person does not pose a substantial likelihood of serious harm.

SECTION 15. Tennessee Code Annotated, Section 33-6-708(a), is amended by deleting the subsection and substituting:

(a) If a person is committed involuntarily by a criminal or juvenile court under chapter 6, part 5 of this title after being found incompetent to stand trial or if the criminal or juvenile court determines at the time of commitment that, due to the nature of the

person's criminal conduct that created a serious risk of physical harm to other persons, the person should not be discharged from the commitment without proceedings under this section to review eligibility for discharge under §§ 33-6-602, 33-6-705, and 33-6-706, then the hospital shall proceed under this section to effect discharge from the commitment.

SECTION 16. Tennessee Code Annotated, Section 33-6-708, is amended by adding the following new subsection:

(d) An admission pursuant to § 33-6-403(b)(1) or § 33-6-502(b)(1) must remain in effect until the competency of the person to stand trial is restored or, if competency is unable to be restored, until the court with criminal jurisdiction over the charges approves a mandatory outpatient treatment plan that accounts for the safety of the community.

SECTION 17. Tennessee Code Annotated, Section 33-7-401(4), is amended by deleting the language "may" and substituting "shall".

SECTION 18. 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 19. 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 20. 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 21. This act takes effect July 1, 2024, the public welfare requiring it.