

HOUSE BILL 206

By Barrett

AN ACT to amend Tennessee Code Annotated, Title 33  
and Title 52, relative to mental health.

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

SECTION 1. Tennessee Code Annotated, Section 33-6-708, is amended by deleting subsection (a) and substituting:

(a) If a person is committed involuntarily under chapter 6, part 5 of this title, then the person shall 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.

The hospital shall proceed under this section to effect discharge from the commitment.

SECTION 2. Tennessee Code Annotated, Section 33-6-708, is amended by deleting subdivision (c)(1) and substituting:

(A) When the chief officer determines that the person is eligible for discharge under § 33-6-602, § 33-6-705, or § 33-6-706, the chief officer shall notify the committing court of that conclusion, of the basis for it, and, if discharge is under § 33-6-602, of the outpatient treatment plan approved by the releasing facility and the qualified mental health professional for the person. The determination by the chief officer shall create a rebuttable presumption of its correctness.

(B) The clerk shall send a copy of that complete notice and plan to:

- (i) The person's counsel;
- (ii) The person's next of kin;

(iii) The district attorneys general for the judicial district in which the committing court is located and the judicial district in which the person resides, if

the person was 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; and

(iv) The Tennessee bureau of investigation.

(C) The court may, on its own motion or that of the person's next of kin or a district attorney general, order a hearing to be held within twenty-one (21) days of the receipt of the chief officer's notice. The court shall send notice of the hearing to the person, the chief officer, and the persons listed in subdivisions (c)(1)(B)(i)–(iii).

SECTION 3. Tennessee Code Annotated, Section 33-6-706, is amended by deleting subdivisions (3) and (4) and substituting:

(3) The person shall be discharged in conformity with § 33-6-708.

SECTION 4. This act takes effect July 1, 2025, the public welfare requiring it.