

HOUSE BILL 317

By Hawk

AN ACT to amend Tennessee Code Annotated, Section 33-7-303, relative to evaluation and treatment following a judgment of not guilty by reason of insanity.

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

SECTION 1. Tennessee Code Annotated, Section 33-7-303, is amended by adding the following language as a new subsection:

(1) When a person charged with first degree murder or a Class A felony offense under title 39, chapter 13, is found not guilty by reason of insanity at the time of the commission of the offense, the trial court shall immediately order the person to be diagnosed and evaluated on an outpatient basis. The evaluation shall be performed by the community mental health agency or licensed private practitioner designated by the commissioner to serve the trial court to determine if the person should be committed to inpatient hospitalization under chapter 6, part 5 of this title. If the person was in custody at the time of the verdict, the trial court shall immediately order the person to remain held without bond following the verdict of not guilty by reason of insanity, for purposes of receiving the outpatient evaluation. The trial court shall order that the outpatient evaluation be completed within thirty (30) days of receipt of the court order by the examining community mental health agency or licensed private practitioner.

(2) If, after outpatient evaluation, the person is committed to inpatient hospitalization under chapter 6, part 5 of this title, the person shall only be discharged from inpatient hospitalization subject to a court order by the trial court to participate in outpatient treatment.

(3) If, after outpatient evaluation, the person is not committed to inpatient hospitalization under chapter 6, part 5 of this title, the trial court shall order the person to participate in outpatient treatment.

(4) Any person currently committed to inpatient hospitalization under chapter 6, part 5 of this title, who was charged with first degree murder or a Class A felony offense under title 39, chapter 13, and found not guilty by reason of insanity at the time of the commission of the offense, shall only be discharged from inpatient hospitalization subject to a court order by the trial court to participate in outpatient treatment.

(5) Any person ordered by the trial court to participate in outpatient treatment under this subsection shall do so for an initial mandatory period of six (6) months. Upon completion of the initial six-month period, the trial court shall review the person's need for continued court-ordered outpatient treatment. If the trial court determines that continued outpatient treatment is appropriate, then the trial court may order the continuation of outpatient treatment beyond the initial six (6) month period. Thereafter, the trial court shall review the person's need for continued court-ordered outpatient treatment on an annual basis. The trial court shall consider the following factors when determining the appropriateness of ordering a person to continued outpatient treatment beyond the initial six-month period under this subsection:

(A) The likelihood that harm will occur unless the person remains under court-ordered outpatient treatment;

(B) The likelihood that the person will voluntarily participate in outpatient treatment;

(C) The person's history of compliance with outpatient treatment plans;  
and

(D) Any other factor that the trial court deems appropriate for purposes of evaluating the person's need for court-ordered outpatient treatment.

SECTION 2. Tennessee Code Annotated, Section 33-7-303(a)(2), is amended by deleting the subdivision and substituting instead the following:

When a person charged with a felony criminal offense under title 39, chapter 13, is found not guilty by reason of insanity at the time of the commission of the offense and that person is in custody at the time of the verdict, the court may order that the person remain held without bond following the verdict, for the purpose of receiving an outpatient evaluation performed by the community mental health agency or licensed private practitioner designated by the commissioner to serve the court. In such cases, the court shall immediately enter an order to hold the person without bond for the purpose of receiving the evaluation and shall order that the evaluation be completed within thirty (30) days of receipt of the court order by the examining professional.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.