

HOUSE BILL 1348

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 33,
Chapter 7, Part 3, relative to mental health
evaluations.

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

SECTION 1. Tennessee Code Annotated, Section 33-7-301(a)(1), is amended by deleting the first sentence in its entirety and substituting instead the following:

When a defendant charged with a criminal offense, or pending a post-trial proceeding, is believed to be incompetent to stand trial or continue with the post-trial proceeding, or there is a question about the defendant's mental capacity at the time of the commission of the crime, or whether the defendant is mentally retarded, the criminal, circuit, or general sessions court judge may, upon such judges own motion or upon petition by the district attorney general or by the attorney for the defendant and after hearing, order the defendant to be evaluated on an outpatient basis.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.