

HOUSE BILL 2295

By Jones S

AN ACT to amend Tennessee Code Annotated, Section 37-1-128(e) and Section 37-1-150.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-128(e)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(e)(1) If, during the pendency of any proceeding under this chapter, there is reason to believe that the child may be suffering from mental illness, the court may order the child to be evaluated on an outpatient basis by a mental health agency or licensed private practitioner designated by the commissioner of mental health and developmental disabilities to serve the court. If, during the pendency of any proceeding under this chapter, there is reason to believe that the child may be suffering from a developmental disability, the court may order the child to be evaluated on an outpatient basis by a mental health agency, developmental center or licensed private practitioner designated by the commissioner of mental health and developmental disabilities to serve the court. If, and only if, in either of the circumstances described above, the outpatient evaluator concludes that further evaluation and treatment are needed, the court may order the child hospitalized. If the court orders the child to be hospitalized in a department of mental health and developmental disabilities facility, hospital or treatment resource, the child shall be placed into the custody of the commissioner of mental health and developmental disabilities at the expense of the county for not more than thirty (30) days at a facility, hospital or treatment resource with available, suitable accommodations. Prior to transporting a defendant for such evaluation and treatment in a department facility, the sheriff or other transportation agent shall determine that the receiving

department facility has available suitable accommodations.

SECTION 2. Tennessee Code Annotated, Section 37-1-128(e)(5), is amended by deleting the subdivision in its entirety and substituting instead the following:

(5) If funds are appropriated to the department of mental health and developmental disabilities for outpatient juvenile court ordered evaluations, the department of mental health and developmental disabilities may contract to provide evaluation services under this subsection (e), and the service provider shall provide such services ordered under this subsection (e) by the courts in the provider's designated area.

SECTION 3. Tennessee Code Annotated, Section 37-1-150(a)(1), is amended by deleting the semicolon (;) and by substituting instead the following language at the end of the subsection: “, except that the cost of outpatient mental health evaluations under T.C.A. Section 37-1-128(e) are the responsibility of the department of mental health and developmental disabilities subject to the availability of funds.”

SECTION 4. Tennessee Code Annotated, Section 37-1-150(b), is amended by deleting the subdivision in its entirety and substituting instead the following:

(b)(1)The cost of transporting a child who has been committed to a state correctional institution on an offense that would be a felony if committed by an adult shall be paid by the state.

(b)(2)The cost of transportation of a child to and from the mental health evaluation provider when such examination or evaluation has been ordered by the juvenile court judge will be paid by the county.

SECTION 5. This act shall take effect July 1, 2009, the public welfare requiring it.