

SENATE BILL 789

By Haile

AN ACT to amend Tennessee Code Annotated, Title 4; Title 8; Title 16; Title 29; Title 33; Title 38; Title 39; Title 40; Title 49; Title 54; Title 55 and Title 65, relative to firearm ownership by mental health patients.

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

SECTION 1. Tennessee Code Annotated, Section 16-1-117(a), is amended by adding the following new subdivision:

(6)

(A) The clerks of those courts wherein commitments to a mental institution, as defined in § 16-10-213, are ordered or persons are adjudicated as a mental defective, as defined in § 16-10-213, shall report information described in § 16-10-213(c) regarding individuals who have been adjudicated as a mental defective or judicially committed to a mental institution. Included in the report pursuant to this subdivision (a)(6)(A) shall be the date in which such information was also reported to the federal bureau of investigation-NICS Index.

(B) The information reported pursuant to subdivision (a)(6)(A) shall be maintained as confidential and not subject to public inspection, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

(C) The administrative office of the courts shall provide written notification to any responsible party found not to be in compliance with the reporting requirements of this subdivision (a)(6) or with the reporting requirements of §§ 16-10-213, 16-11-206, 16-15-303 and 16-16-120. If compliance is not achieved during the subsequent reporting period following

notification, the administrative office of the courts will no longer accept data from the office not in compliance. Notification of this action will be sent to all judges, district attorneys general, district public defenders and court clerks within the district where the noncomplying office is located. Notification will also be sent to the district attorneys general conference, the district public defender conference, the administrative office of the courts and the county officials association of Tennessee. Any periods of noncompliance will also be reported in the annual report to the chair of the senate judiciary committee and the chair of the house of representatives civil justice committee.

SECTION 2. Tennessee Code Annotated, Section 16-10-213(b), is amended by deleting the following language:

January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010 and substituting instead the following language:

as soon as practicable, but no later than the third business day following the date of such an order or adjudication

SECTION 3. Tennessee Code Annotated, Section 16-11-206(b), is amended by deleting the following language:

January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010 and substituting instead the following language:

as soon as practicable, but no later than the third business day following the date of such an order or adjudication

SECTION 4. Tennessee Code Annotated, Section 16-15-303(g)(2), is amended by deleting the following language:

January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010 and substituting instead the following language:

as soon as practicable, but no later than the third business day following the date of such an order or adjudication

SECTION 5. Tennessee Code Annotated, Section 16-16-120(b), is amended by deleting the following language:

January 1, April 1, July 1, and October 1 of every year beginning January 1, 2010

and substituting instead the following language:

as soon as practicable, but no later than the third business day following the date of such an order or adjudication

SECTION 6. Tennessee Code Annotated, Section 33-3-115(a), is amended by deleting the language "39-17-1352 and" and substituting instead the language "39-17-1352, 16-1-117(a)(6) and".

SECTION 7. Tennessee Code Annotated, Title 33, Chapter 3, Part 1, is amended by adding the following new section thereto:

33-3-117

(a) If a service recipient is involuntarily committed to an inpatient treatment facility under this title, the inpatient treatment facility shall report the service recipient to local law enforcement as soon as practicable, but no later than the third business day following the date of such commitment, who shall report the service recipient to the federal bureau of investigation-NICS Index and the department of safety as soon as practicable, but no later than the third business day following the date of receiving such notification, for the purposes of complying with the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(b) If an inpatient treatment facility is required to report pursuant to subsection (a), the facility shall report the following information:

- (1) Complete name of the person involuntarily committed;
- (2) Date involuntarily commitment was ordered;

(3) Private or state hospital or treatment resource to which the individual was involuntarily committed; and

(4) Date of birth of the person involuntarily committed.

(c) The information in subdivisions (b)(1)-(4), the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

SECTION 8. Tennessee Code Annotated, Title 33, Chapter 3, Part 2, is amended by adding the following new section thereto:

33-3-210.

(a) If a service recipient has communicated to a qualified mental health professional or behavior analyst an actual threat of bodily harm against a reasonably identifiable victim or victims, the qualified mental health professional or behavior analyst shall immediately report the service recipient to local law enforcement, who shall immediately report the service recipient to the federal bureau of investigation-NICS Index and the department of safety for the purposes of complying with the NICS Improvement Amendments Act of 2007, Public Law 110-180, as enacted and as may be amended in the future.

(b) If a mental health professional or behavior analyst is required to report pursuant to subsection (a), the professional or analyst shall report the following information:

(1) Complete name and all aliases of the service recipient;

(2) Name of the mental health professional or behavior analyst and name of private or state hospital or treatment resource to which the individual may be receiving services committed; and

(3) Date of birth of the service recipient.

(c) The information in subdivisions (b)(1)-(3), the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.

SECTION 9. This act shall take effect July 1, 2013, the public welfare requiring it.