

Amendment No. 1 to HB0645

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 789

House Bill No. 645*

by deleting all language after the enacting clause and by substituting instead the following:

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 clerks of those courts unable to make direct reports to the federal bureau of investigation-NICS Index, pursuant to the reporting requirements of §§ 16-10-213, 16-11-206, 16-15-303 and 16-16-120, shall provide sufficient information to the administrative office of the courts who shall make such reports on behalf of those clerks as soon as practicable, but no later than the third business day following the date of receipt of signed order.

(C) 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.

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(D) 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 16-3-812, is amended by deleting it in its entirety and substituting instead the following:

(a) The administrative office of the courts (AOC) shall be responsible for making available to the Tennessee bureau of investigation in a mutually agreeable form all information the AOC receives from the various courts regarding disposition of cases.

(b) The administrative office of the courts (AOC) shall be responsible for making available, upon request, to the Tennessee bureau of investigation in a mutually

agreeable form all information the AOC receives from the various courts regarding compliance with the reporting requirements of §§ 16-10-213, 16-11-206, 16-15-303, 16-16-120 and reports made by the AOC pursuant to 16-1-117(a)(6)(B) for purposes of auditing compliance and accuracy of the required reports.

SECTION 3: 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 by 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 16-11-206(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 by 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 16-15-303(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 by 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 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 by 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 7. Tennessee Code Annotated, Section 33-3-115(a), is amended by deleting the language "39-17-1352 and" and by substituting instead the language "39-17-1352, 16-1-117(a)(6) and".

SECTION 8. 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 9. 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 serious bodily harm or death against a reasonably identifiable victim or victims, the qualified mental health professional or behavior analyst, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's specialty under similar circumstances, who has determined or reasonably should have determined that the service recipient has the apparent ability to commit such an act and is likely to carry out the threat unless prevented from doing so, shall immediately report the service recipient to local law enforcement, who shall take appropriate action based upon the information reported.

(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 from which the individual may be receiving services; 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 10. This act shall take effect July 1, 2013, the public welfare requiring it.