

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 754 - SB 1402

March 1, 2019

SUMMARY OF BILL: Prohibits persons voluntarily admitted to a mental health treatment facility from possessing a firearm if a court finds:

- The person underwent an involuntary examination immediately prior to being voluntarily admitted;
- The examining physician who conducted the involuntary examination found the person poses an immediate, substantial likelihood of serious harm;
- The examining physician certifies that if the person did not agree to voluntary treatment, a certificate of need (CON) for emergency diagnosis, evaluation, and treatment would be filed; and
- Prior to agreeing to voluntary admission, the person received written notice of the CON and written notice that as a result of being voluntarily admitted, the person may be prohibited from possessing a firearm.

Creates a Class A misdemeanor offense for a person who possess a firearm while the person undergoes an examination to determine emergency involuntary admission to an inpatient treatment facility.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Exceeds \$100,000/One-Time

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-1316(a)(1), the sale of firearms is prohibited to anyone who has been judicially committed to a public or private mental institution. This requires that mental health professionals, on two separate occasions, complete CONs that the person is believed to have a substantial likelihood of serious harm because of mentally illness or emotional disturbance, such as having threaten suicide, and meet certain other conditions. This section also requires that the person be so adjudicated after being afforded due process before they can be committed.
- The Department of Mental Health and Substance Abuse Services (DMHSAS) does not collect any information regarding the first CONs issued. In order to link any first CON to a voluntary IP admission, a statewide, HIPPA-compliant reporting and database system would have to be developed.

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- Based on estimated costs related to other systems development, the estimated one-time increase in state expenditures is estimated to exceed \$100,000.
- There will not be a sufficient number of Class A misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg