

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 7008

August 17, 2023

SUMMARY OF BILL: Requires a qualified mental health professional or behavior analyst who determines that a service recipient has communicated an intent for or perceived actual threat of bodily harm against a clearly identified victim or group of people, to report the threat to the Department of Mental Health and Substance Abuse Services (DMHSAS) or to local law enforcement, if it is determined that the service recipient has the apparent ability to commit such an act.

Establishes that a qualified mental health professional or behavior analyst who makes such a report is not liable for damages in a civil action, subject to prosecution in a criminal proceeding, or subject to disciplinary action by a regulatory board.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 33-3-206, if a service recipient has communicated to a qualified mental health professional or behavior analyst an actual threat of bodily harm against a clearly identified victim and it has been determined or reasonably should have been 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, then the mental health professional or behavior analyst must take reasonable care to predict, warn of, or take precautions to protect the identified victim from the service recipient's violent behavior.
- The proposed legislation will expand the circumstances under which a qualified mental health professional or behavior analyst has a duty to predict, warn, or take precautions, and require a report to be made to either the DMHSAS or to local law enforcement of a communicated threat.
- The DMHSAS and local law enforcement can handle any increase in reports of threats of bodily harm utilizing existing personnel and resources.
- Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

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

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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