

HOUSE BILL 305

By Jones

AN ACT to amend Tennessee Code Annotated, Title 16;  
Title 33; Title 37; Title 38; Title 39; Title 41; Title  
57; Title 62 and Title 71, relative to mental health.

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

SECTION 1. Tennessee Code Annotated, Section 16-1-117(a)(6)(A), is amended by deleting "a mental defective" where it appears twice and substituting "a person with a mental health condition".

SECTION 2. Tennessee Code Annotated, Section 16-10-205, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "a person with a mental health condition".

SECTION 3. Tennessee Code Annotated, Section 16-10-213(a)(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as a person with a mental health condition" or "adjudicated as a person with a mental health condition" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to a mental health condition;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 4. Tennessee Code Annotated, Section 16-10-213, is amended by deleting "a mental defective" in subsection (b) and subdivisions (c)(1), (c)(2), (c)(3), (c)(5), (c)(6), and (c)(7) and substituting "a person with a mental health condition".

SECTION 5. Tennessee Code Annotated, Section 16-11-202, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "a person with a mental health condition".

SECTION 6. Tennessee Code Annotated, Section 16-11-206(a)(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as a person with a mental health condition" or "adjudicated as a person with a mental condition" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to a mental health condition;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 7. Tennessee Code Annotated, Section 16-11-206, is amended by deleting "a mental defective" in subsection (b) and subdivisions (c)(1), (c)(2), (c)(3), (c)(5), (c)(6), and (c)(7) and substituting "a person with a mental health condition".

SECTION 8. Tennessee Code Annotated, Section 16-15-303(g)(1)(A), is amended by deleting the subdivision and substituting:

(A) "Adjudication as a person with a mental health condition" or "adjudicated as a person with a mental condition" means:

(i) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(a) Is a danger to such person or to others; or

(b) Lacks the ability to contract or manage such person's own affairs due to a mental health condition;

(ii) A finding of insanity by a court in a criminal proceeding; or

(iii) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 9. Tennessee Code Annotated, Section 16-15-303, is amended by deleting "a mental defective" in subdivisions (g)(2), (g)(3)(A), (g)(3)(B), (g)(3)(C), (g)(3)(E), (g)(3)(F), and (g)(3)(G) and substituting "a person with a mental health condition".

SECTION 10. Tennessee Code Annotated, Section 16-15-405, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "a person with a mental health condition".

SECTION 11. Tennessee Code Annotated, Section 16-16-120(a)(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as a person with a mental health condition" or "adjudicated as a person with a mental condition" means:

(A) A determination by a court in this state that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

(i) Is a danger to such person or to others; or

(ii) Lacks the ability to contract or manage such person's own affairs due to a mental health condition;

(B) A finding of insanity by a court in a criminal proceeding; or

(C) A finding that a person is incompetent to stand trial or is found not guilty by reason of insanity pursuant to §§ 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. §§ 850a, 876b);

SECTION 12. Tennessee Code Annotated, Section 16-16-120, is amended by deleting "a mental defective" in subsection (b) and subdivisions (c)(1), (c)(2), (c)(3), and (c)(5) and substituting "a person with a mental health condition".

SECTION 13. Tennessee Code Annotated, Section 16-16-121, is amended by deleting "a mental defective" in subsections (a) and (h) and substituting "a person with a mental health condition".

SECTION 14. Tennessee Code Annotated, Section 33-3-115, is amended by deleting "a mental defective" in subsection (a) and subdivisions (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), and (b)(7) and substituting "a person with a mental health condition".

SECTION 15. Tennessee Code Annotated, Section 33-3-115(d)(2), is amended by deleting the subdivision and substituting:

(2) "Adjudication as a person with a mental health condition" or "adjudicated as a person with a mental condition" has the same meaning as defined in § 16-10-213(a).

SECTION 16. Tennessee Code Annotated, Section 38-6-109(f), is amended by deleting "a mental defective" and substituting "a person with a mental health condition".

SECTION 17. Tennessee Code Annotated, Section 39-11-106(a)(11)(C), is amended by deleting "mental disease or defect" and substituting "a mental health condition, or a mental disease".

SECTION 18. Tennessee Code Annotated, Section 39-11-501, is amended by deleting "mental disease or defect" and substituting "mental health condition or mental disease" in subsections (a) and (b), and is further amended by deleting "Mental disease or defect" in subsection (a) and substituting "A mental health condition or mental disease".

SECTION 19. Tennessee Code Annotated, Section 39-11-503(c), is amended by deleting "mental disease or defect" and substituting "mental health condition or mental disease".

SECTION 20. Tennessee Code Annotated, Section 39-13-117(a)(7)(A), is amended by deleting the subdivision and substituting:

(A) A person with a mental health condition;

SECTION 21. Tennessee Code Annotated, Section 39-13-204(j)(8), is amended by deleting "mental disease or defect" and substituting "a mental health condition or mental disease".

SECTION 22. Tennessee Code Annotated, Section 39-13-501, is amended by deleting subdivision (3), and is further amended by adding the following as a new subdivision:

( ) "Person with a mental health condition" means that a person suffers from a mental health condition or a mental disease that renders that person temporarily or permanently incapable of appraising the nature of the person's conduct;

SECTION 23. Tennessee Code Annotated, Section 39-13-502(a)(3)(B)(i), is amended by deleting the subdivision and substituting:

(i) A person with a mental health condition;

SECTION 24. Tennessee Code Annotated, Section 39-13-503(a)(3)(A), is amended by deleting the subdivision and substituting:

(A) A person with a mental health condition;

SECTION 25. Tennessee Code Annotated, Section 39-13-504(a)(3)(B), is amended by deleting "is mentally defective, mentally incapacitated or physically helpless" and substituting "has a mental health condition, is mentally incapacitated, or is physically helpless".

SECTION 26. Tennessee Code Annotated, Section 39-13-505(a)(3), is amended by deleting "is mentally defective, mentally incapacitated or physically helpless" and substituting "has a mental health condition, is mentally incapacitated, or is physically helpless".

SECTION 27. Tennessee Code Annotated, Section 39-13-527(a)(2), is amended by deleting "mentally defective, mentally incapacitated or physically helpless" and substituting "a person with a mental health condition, mentally incapacitated, or physically helpless".

SECTION 28. Tennessee Code Annotated, Section 39-13-534(a)(9)(A), is amended by deleting the subdivision and substituting:

(A) A person with a mental health condition;

SECTION 29. Tennessee Code Annotated, Section 39-13-535(a)(12)(A), is amended by deleting the subdivision and substituting:

(A) A person with a mental health condition;

SECTION 30. Tennessee Code Annotated, Section 39-14-802(5)(C), is amended by deleting "mental disease or defect" and substituting "a mental health condition, or a mental disease".

SECTION 31. Tennessee Code Annotated, Section 39-15-402(b), is amended by deleting "is mentally defective, mentally incapacitated " and substituting "is a person with a mental health condition, is mentally incapacitated,".

SECTION 32. Tennessee Code Annotated, Section 39-17-1301(1), is amended by deleting the subdivision and substituting:

(1) "Adjudication as a person with a mental health condition" or "adjudicated as a person with a mental condition" has the same meaning as defined in § 16-10-213(a);

SECTION 33. Tennessee Code Annotated, Section 39-17-1307(h)(1)(C), is amended by deleting "a mental defective" and substituting "a person with a mental health condition", and is further amended by deleting "mental defect" and substituting "mental health condition".

SECTION 34. Tennessee Code Annotated, Section 39-17-1316, is amended by deleting "a mental defective" in subdivisions (a)(1) and (q)(3)(A) and substituting "a person with a mental health condition".

SECTION 35. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting "a mental defective" in subdivision (c)(12), subsection (i), and subdivision (j)(4) and substituting "a person with a mental health condition", and is further amended by deleting "mental defect" in subdivision (c)(12) and substituting "mental health condition".

SECTION 36. Tennessee Code Annotated, Section 39-17-1352(a)(10), is amended by deleting "a mental defective" and substituting "a person with a mental health condition".

SECTION 37. Tennessee Code Annotated, Section 57-4-203(c)(1), is amended by deleting "mentally defective" and substituting "adjudicated as a person with a mental health condition".

SECTION 38. Tennessee Code Annotated, Section 62-26-206(a)(3), is amended by deleting "mental defect or disease" and substituting "a mental health condition or mental disease".

SECTION 39. Tennessee Code Annotated, Section 62-26-207(a)(3), is amended by deleting "mental defect or disease" and substituting "a mental health condition or mental disease".

SECTION 40. Tennessee Code Annotated, Section 62-35-106(3), is amended by deleting "mental defect or disease" and substituting "a mental health condition or mental disease".

SECTION 41. Tennessee Code Annotated, Section 62-35-117(3), is amended by deleting "mental defect or disease" and substituting "a mental health condition or mental disease".

SECTION 42. This act takes effect July 1, 2023, the public welfare requiring it.