

HOUSE BILL 2101

By Zachary

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 33; Title 34; Title 37; Title 38 and Title 39,
relative to juveniles.

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Adjudication as a mental defective" or "adjudicated as a mental defective" means:

(A) A determination by a juvenile 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 mental defect; or

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

(2) "Judicial commitment to a mental institution" means a judicially ordered involuntary admission to a private or state hospital or treatment resource in proceedings conducted pursuant to title 33, chapter 6 or 7;

(3) "Mental institution" means a mental health facility, mental hospital, sanitarium, psychiatric facility, and any other facility that provides diagnoses by a licensed professional of mental retardation or mental illness, including, but not limited to, a psychiatric ward in a general hospital; and

(4) "Treatment resource" means any public or private facility, service, or program providing treatment or rehabilitation services for mental illness or serious emotional disturbance, including, but not limited to, detoxification centers, hospitals, community mental health centers, clinics or programs, halfway houses, and rehabilitation centers.

(b) Notwithstanding § 37-1-153, a court wherein juvenile commitments to a mental institution are ordered pursuant to title 33, chapter 6 or 7 or juveniles are adjudicated as a mental defective shall enter a standing and continuing order instructing the juvenile court clerk to collect and report as soon as practicable, but no later than the third business day following the date of such an order or adjudication, information described in subsection (c) regarding children who have been adjudicated as a mental defective or judicially committed to a mental institution at sixteen (16) years of age or older for the purposes of complying with the federal Bipartisan Safer Communities Act of 2022 (Pub. L. No. 117-159), and the federal NICS Improvement Amendments Act of 2007 (Pub. L. No. 110-180).

(c) The following information must be collected and reported to the federal bureau of investigation-NICS Indices and the department of safety, pursuant to subsection (b):

(1) Complete name and all aliases of the child judicially committed or adjudicated as a mental defective, including, but not limited to, any names that the child may have had or currently has by reason of marriage or otherwise;

(2) Case or docket number of the judicial commitment or the adjudication as a mental defective;

(3) Date judicial commitment ordered or adjudication as a mental defective was made;

(4) Private or state hospital or treatment resource to which the child was judicially committed;

(5) Date of birth of the child judicially committed or adjudicated as a mental defective, if such information has been provided to the clerk;

(6) Race and sex of the child judicially committed or adjudicated as a mental defective; and

(7) Social security number of the child judicially committed or adjudicated as a mental defective, if available.

(d) The information in subsection (c), the confidentiality of which is protected by other statutes or regulations, must be maintained as confidential and is not subject to public inspection pursuant to applicable statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to § 38-6-109, § 39-17-1316, or §§ 39-17-1352 — 39-17-1354.

(e) Information collected and reported to the federal bureau of investigation-NICS Indices and the department of safety pursuant to subsection (b) must not be removed unless the individual receives relief from federal firearms disability under state or federal law.

(f) An agency shall not provide to the federal bureau of investigation-NICS Indices, or any other national or local databases, records related to commitments to mental institutions or children adjudicated as a mental defective if the child was under sixteen (16) years of age at the time of the commitment or adjudication.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.