



State of Tennessee

PUBLIC CHAPTER NO. 1031

SENATE BILL NO. 1969

By Rose, Jackson

Substituted for: House Bill No. 2693

By Doggett

AN ACT to amend Tennessee Code Annotated, Section 33-5-403, relative to persons found incompetent to stand trial.

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

SECTION 1. Tennessee Code Annotated, Section 33-5-403, is amended by redesignating the current language as subsection (a) and adding the following as a new subsection:

(b) Notwithstanding subsection (a), the district attorney general is not required to file a complaint to require involuntary care and treatment for a person who is found incompetent to stand trial due to intellectual disability in order to commit the person pursuant to this section. If a person is declared incompetent to stand trial for a criminal offense based on intellectual disability, then the court must determine whether the person is subject to involuntary care and treatment at the hearing in which the person is declared incompetent; provided, that two (2) certificates of need have been submitted to the court in accordance with this chapter. If no such certificates of need have been submitted prior to the hearing in which the person is declared incompetent, then the court shall direct the department to conduct an evaluation to determine if the person meets the criteria for involuntary care and treatment as set forth in subsection (a). If the court subsequently receives two (2) certificates of need in accordance with this chapter, then the court shall conduct a hearing to determine if the person must be committed to the custody of the department.

SECTION 2. If Senate Bill 2098 / House Bill 2089 becomes law, the Tennessee Code Commission is directed to incorporate the language from SECTION 1 into the newly created § 52-5-404.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: April 24, 2024



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2024



BILL LEE, GOVERNOR