

SENATE BILL 1823

By Herron

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5; Title 24, Chapter 1, Part 2 and Title 33, Chapter 3, Part 1, relative to the release of mental health records for the purpose of conducting background and criminal history record checks.

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

SECTION 1. Tennessee Code Annotated, Section 33-3-105, is amended by adding the following new subdivision:

() Disclosure to a law enforcement agency is necessary for the purpose of the agency conducting a criminal history records check, other background check, or an official law enforcement investigation.

SECTION 2. Tennessee Code Annotated, Section 33-3-104, is amended by adding the following new subsection (b):

(b) A service recipient who attempts or offers to purchase or obtain goods or merchandise, including, but not limited to, a firearm, for which a criminal history records check or other background investigation is required by law impliedly gives such recipient's consent to disclose information made confidential by § 33-3-103. Therefore, mental health information of a recipient shall be disclosed for the purpose of complying with any reporting requirements of, or requests made by, a federal or state agency for the purpose of conducting criminal history record or background checks necessary to purchase or obtain a firearm.

SECTION 3. Tennessee Code Annotated, Section 24-1-207, is amended by adding the following new subdivision (4) to subsection (a):

(4) When requested for the purpose of a state or federal agency conducting a firearm criminal history background check.

SECTION 4. Tennessee Code Annotated, Section 24-1-207, is amended by adding the following new subsection (d):

(d) Mental health professionals shall be authorized and have an affirmative duty to comply with any information requests regarding a patient that is submitted by a state or federal law enforcement agency for the purpose of conducting a firearms-related criminal history background check on such patient.

SECTION 5. Tennessee Code Annotated, Section 10-7-504, is amended by inserting the following between the first and second sentences of subdivision (a)(1):

However, mental health records of a patient shall be disclosed upon the request of a state or federal law enforcement agency if requested for the purpose of conducting a firearms-related criminal history background check on such patient.

SECTION 6. This act shall take effect July 1, 2009, the public welfare requiring it.