

HOUSE BILL 754

By Smith

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 33 and Title 39, Chapter 17, relative to
firearm prohibitions for persons suffering from
mental illness and emotional disturbances.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1307(f)(1), is amended by adding the following as subdivision (c) and redesignating the existing subdivisions accordingly:

(C) Meets the mental health criteria set forth in § 39-17-1366;

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new sections:

39-17-1366.

(a) A person who is voluntarily admitted to a mental health treatment facility for inpatient treatment is prohibited from possessing a firearm if a court finds that:

(1) The person underwent an involuntary examination pursuant to § 33-6-404 or § 33-6-503 immediately prior to being voluntarily admitted to a mental health treatment facility;

(2) The examining physician who conducted the involuntary examination pursuant to § 33-6-404 or § 33-6-503 found that the person poses an immediate substantial likelihood of serious harm because of a mental illness or serious emotional disturbance;

(3) The examining physician certified that if the person did not agree to voluntary treatment, a certificate of need for the emergency diagnosis, evaluation, and treatment would be filed pursuant to § 33-6-404 or § 33-6-503.

The certification required pursuant to this subdivision (a)(3) must show the

factual foundation for the conclusions on each item listed in § 33-6-403(1)-(4) or § 33-6-502(1)-(4), as applicable; and

(4) Prior to agreeing to voluntary admission under the circumstances described in this section, the person received written notice of the certification set out in subdivision (a)(3) and written notice that as a result of being voluntarily admitted, the person may be prohibited from possessing a firearm. The notice required pursuant to this subdivision (a)(4) must be in writing and in substantially the following form:

I understand that the doctor who examined me believes I pose an immediate substantial likelihood of serious harm. I understand that if I do not agree to voluntary treatment, a certificate of need will be filed to require me to receive involuntary treatment. I understand that by agreeing to voluntary treatment, I may be prohibited from possessing firearms until I apply for and receive relief from that restriction under Tennessee law.

(b) A court must make a finding that all requirements of this section have been satisfied prior to prohibiting a person from possessing a firearm pursuant this section.

39-17-1367.

(a) It is an offense for a person to possess a firearm while the person undergoes an examination to determine emergency involuntary admission to an inpatient treatment facility pursuant to § 33-6-404.

(b) A violation of subsection (a) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1316(q), is amended by adding the following new, appropriately designated subdivision:

() It is an offense to return or otherwise transfer a firearm to a person knowing that the person:

(A) Is judicially committed to a mental institution pursuant to title 33, adjudicated as a mental defective, or is prohibited from possessing a firearm pursuant to § 39-17-1366; and

(B) The person's right to possess firearms has not been restored under title 16.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it.