

PUBLIC CHAPTER NO. 714**SENATE BILL NO. 3026****By Southerland**

Substituted for: House Bill No. 3222

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 5, Part 4; Title 39 and Title 40, relative to persons found not guilty of criminal offenses by reason of insanity.

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

SECTION 1. Tennessee Code Annotated, Section 33-5-410, is amended by deleting subsections (b), (c) and (d) in their entirety and substituting instead the following:

(b) When the mental retardation facility determines that the person no longer meets the commitment criteria under which the person was committed, it shall notify the committing court of this fact and the reasons. The determination by the department shall create a rebuttable presumption of its correctness. The court may, within ten (10) business days, holidays excluded, of receipt of the notice, set a hearing to be held within twenty-one (21) business days, holidays excluded, of receipt of the facility's notice on whether the person continues to meet the commitment criteria under which the person was committed. The court shall send notice of the hearing to the following: the person, chief officer of the facility, the person's counsel, the person's next of kin, and the district attorney general.

(c) If the court does not set a hearing and notify the facility within fifteen (15) business days, holidays excluded, of its receipt of the facility's notice, the facility shall release the person from involuntary commitment.

(d) The hearing to determine whether the person continues to meet the commitment criteria under which the person was committed shall be held within twenty-one (21) business days, holidays excluded, of the court's receipt of notice from the facility. The person shall attend the hearing unless the person's presence is waived in writing by counsel before the hearing. If the person does not have counsel, the court shall appoint counsel to represent the person.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: March 22, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of April 2010



PHIL BREDESEN, GOVERNOR