

SENATE BILL 1969

By Rose

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 new subsection (b):

(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.

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