



State of Tennessee

PUBLIC CHAPTER NO. 511

HOUSE BILL NO. 1089

By Mr. Speaker Sexton, Representatives Tim Hicks, Hardaway, Crawford, Davis, Parkinson, Terry, Rudder, Howell, Alexander, Littleton

Substituted for: Senate Bill No. 944

By Senators Massey, Hatcher, Reeves, White, Yarbrow

AN ACT to amend Tennessee Code Annotated, Title 33; Title 39 and Title 40, relative to criminal offenses involving abuse.

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

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 7, Part 3, is amended by adding the following as a new section:

(a) The department shall establish a mental health evaluation process to evaluate a defendant convicted of any of the following offenses:

- (1) Domestic assault, as defined in § 39-13-111;
- (2) Child abuse, as defined in § 39-15-401;
- (3) Aggravated child abuse, as defined in § 39-15-402;
- (4) Cruelty to animals, as defined in § 39-14-202; or
- (5) Aggravated cruelty to animals, as defined in § 39-14-212.

(b)

(1) A community mental health center or qualified mental health professional as designated by the commissioner shall evaluate each defendant convicted of an offense described in subsection (a) prior to the defendant's sentencing hearing.

(2) If the defendant has previously been evaluated pursuant to this section, then the community mental health center or qualified mental health professional shall not evaluate the defendant.

(3)

(A) This mental health evaluation is subject to the department's workforce availability and funding, which must be evaluated quarterly by the department for sufficiency to provide the services required by this section.

(B) If the department determines it does not have the workforce availability or funding to conduct the mental health evaluations following the quarterly evaluation as described in subdivision (b)(3)(A), then the department shall create and submit a report regarding the insufficient workforce availability or funding to provide the services required by this section to the chief clerk of each house of the general assembly.

(c) The mental health evaluation must be conducted by the community mental health center or a qualified mental health professional as designated by the commissioner on an outpatient basis.

(d) The center or the qualified mental health professional shall submit to the court an evaluation report with any recommended mental health services for the defendant.

(e) If the center or the qualified mental health professional recommends mental health services, then the court may include such mental health recommendations as part of sentencing.

(f)

(1) Notwithstanding § 33-7-304, the defendant shall pay for the cost of the evaluation and court-ordered treatment, if applicable, pursuant to this section. Payment must be made to the clerk of court for remittance to the person, agency, or facility to whom compensation is due prior to the evaluation.

(2) If the court finds the defendant is indigent, then the department shall pay the community mental health center or the qualified mental health professional for the cost of the evaluation and court-ordered treatment, if applicable.

(g) The department is authorized to promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate this section. Notwithstanding § 4-5-208(a), the department may also promulgate emergency rules, if necessary, to effectuate this section.

SECTION 2. Tennessee Code Annotated, Section 39-13-111, is amended by adding the following as a new subsection:

(g) The court shall order a person convicted of a violation of this section to undergo a mental health evaluation, pursuant to Section 1, prior to the defendant's sentencing hearing.

SECTION 3. Tennessee Code Annotated, Section 39-15-401, is amended by adding the following as a new subsection:

(j) The court shall order a person convicted of child abuse pursuant to this section to undergo a mental health evaluation, pursuant to Section 1, prior to the defendant's sentencing hearing.

SECTION 4. Tennessee Code Annotated, Section 39-15-402, is amended by adding the following as a new subsection:

(g) The court shall order a person convicted of aggravated child abuse pursuant to this section to undergo a mental health evaluation, pursuant to Section 1, prior to the defendant's sentencing hearing.

SECTION 5. Tennessee Code Annotated, Section 39-14-202, is amended by adding the following as a new subsection:

(h) The court shall order a person convicted of a violation of this section to undergo a mental health evaluation, pursuant to Section 1, prior to the defendant's sentencing hearing.

SECTION 6. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (f) and substituting:

(f) The court shall order a person convicted of a violation of this section to undergo a mental health evaluation, pursuant to Section 1, prior to the defendant's sentencing hearing.

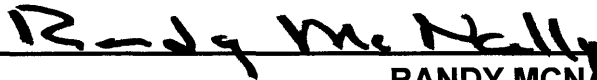
SECTION 7. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2026, the public welfare requiring it, and applies to offenses committed on or after that date.

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PASSED: April 22, 2025



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2025



BILL LEE, GOVERNOR