

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version **HB 366**
Fiscal Note Number _____
() Publish Date _____
Dept. Affected **LAW**
Appropriation **Civil Division**
Allocation **Human Services**
OMB Component Number **2962**

Identifier (file name) **HB366-LAW-CIV-03-07-14**
Title **INVOLUNTARY COMMITMENT**

Sponsor **REPRESENTATIVE PRUITT**
Requester **(H) STATE AFFAIRS**

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| | FY15 Appropriation Requested | Included in Governor's FY15 Request | Out-Year Cost Estimates | | | | |
|------------------------|------------------------------------|---|-------------------------|------------|------------|------------|------------|
| OPERATING EXPENDITURES | FY15 | FY15 | FY16 | FY17 | FY18 | FY19 | FY20 |
| Personal Services | *** | | *** | *** | *** | *** | *** |
| Travel | | | | | | | |
| Services | | | | | | | |
| Commodities | | | | | | | |
| Capital Outlay | | | | | | | |
| Grants, Benefits | | | | | | | |
| Miscellaneous | | | | | | | |
| TOTAL OPERATING | *** | 0.0 | *** | *** | *** | *** | *** |

FUND SOURCE

(Thousands of Dollars)

| | | | | | | | |
|------|-------------------|------------|------------|------------|------------|------------|------------|
| 1002 | Federal Receipts | | | | | | |
| 1003 | GF Match | | | | | | |
| 1004 | GF | | | | | | |
| 1005 | GF/Prgm (DGF) | | | | | | |
| 1007 | I/A Rcpts (Other) | | | | | | |
| 1156 | Rcpt Svcs (DGF) | | | | | | |
| | | *** | 0.0 | *** | *** | *** | *** |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

CHANGE IN REVENUES

Estimated **SUPPLEMENTAL (FY14) operating costs**
(discuss reasons and fund source(s) in analysis section)

_____ (separate supplemental appropriation required)

Estimated **CAPITAL (FY15) costs**
(discuss reasons and fund source(s) in analysis section)

_____ (separate capital appropriation required)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?

No

If yes, by what date are the regulations to be adopted, amended, or repealed?

_____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version, not applicable.

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Division Department of Law

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Date/Time 3/7/14 3:53 PM
Date 3/7/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 366

Analysis

Section 1: Amends existing statute to expand the duties of the Department of Public Safety to transmit information regarding a person's adjudication as mentally ill (i.e., an involuntary commitment) to a U.S. Department of Justice database for inclusion in its criminal background check system (NICBCS).

Section 2: Amends current statute AS 47.30.845 to make clear that the only information to be reported by Public Safety to the national criminal background check system is the adjudication not specific patient diagnostic or clinical information.

Section 3: Amends an existing statute (AS 47.30.850) regarding the expunging or sealing of patient records to including a mechanism for a person to petition/motion the court to have the actual adjudication for mental illness (i.e., an involuntary commitment for up 30, 90, or 180 days) expunged or sealed.

Section 4: Creates a new section to AS 47.30.850 related to the sealing or expunging of patient records by setting out the grounds on which a superior court judge may erase a person's previous adjudicated as mentally ill from that person's record. This decision would effectively take this person out from under the federal law that prohibits a person adjudicated mentally ill from possessing a firearm or ammunition. The decision to deny or grant the request to expunge or seal knowledge of the adjudication is appealable to the Alaska Supreme Court.

Section 5: Creates a new section (AS 47.30.907) that will require the Alaska Court System and Department of Health and Social Services to report to Public Safety when a person is either adjudicated mentally ill and involuntarily committed for treatment or when the superior court allows the record of an adjudication for mental illness to be expunged or sealed. The report requires identification of the person and a number of details regarding the adjudication or judicial seal. This section also makes it clear that an adjudication for mental illness does not include emergency detention or hospitalization for evaluation (i.e., the 72-hour hold).

Section 6: Amends AS 47.30.915 to include a definition of "adjudication of mental illness or mental incompetence" and "disabilities of a record of an involuntary commitment or an adjudication of mental illness or mental competence."

The cost of HB 366 to the Department of Law is indeterminate. The inclusion of sections 3 and 4 to this bill that allows for a person to petition the court to seal or expunge their records will result in increased work by the Department of Law. Each of these matters will be noticed to the Department of Law, who will need to take a position and in many instances litigate whether the request to seal or expunge the records should be granted. This could result in participation at the hearing by attorneys from both the civil and criminal divisions. At this time there is no way to estimate how many persons would seek this judicial relief and as such we cannot estimate the overall cost to the Department of Law.