



# Alaska State Legislature

## Senator Matt Claman

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### Senate Bill 53

#### Sponsor Statement – Version T.A

*“An Act relating to competency to stand trial; relating to involuntary commitments; and relating to victims’ rights during certain civil commitment proceedings.”*

Senate Bill 53 expands involuntary commitment law in Title 47 by adding the option of an up to two-year involuntary commitment for a limited number of individuals who: (1) have been found incompetent to stand trial on a felony offense against the person or felony arson, (2) have been previously subject to involuntary commitment orders, (3) have a history of a felony offense against the person or arson, (4) present a danger to themselves or others, and (5) present a danger to the public.

In February 2022, Angela Harris was returning books at the Loussac Library in Anchorage when a man stabbed her in the back. The perpetrator had been found incompetent to stand trial two months earlier for attacks on other women. SB 53 addresses the problem presented by Angela’s experience. First, it creates a duty for the Department of Law to file for involuntary commitment when a person is found incompetent to stand trial on what are identified as “dangerous” crimes in the legislation. This process will ensure that individuals who have committed crimes for which they cannot be tried will be moved from the criminal system, upon dismissal of charges due to incompetency, to the civil system for involuntary commitment. The process improves public safety by filling gaps that previously allowed the individual to be released to the public.

Second, it amends involuntary commitment statute to allow the state to seek two-year involuntary commitment of individuals who have been found incompetent to stand trial, have a history of a felony offense against the person or arson, and have already been subject to 30, 90 and 180-day involuntary holds. Individuals committed under these provisions may petition the court for early discharge. A petition for early discharge requires that the respondent presents some evidence demonstrating that they are no longer a danger to themselves or others.

The legislation adds provisions for notification of the victim in the dismissed criminal case of: the time and place of the civil commitment hearing; the length of time for which the respondent is committed; and when the respondent is discharged from commitment. It allows the victim in the dismissed criminal case to attend the civil commitment hearings.

SB 53 also reduces the number of psychiatrists and psychologists required for evaluation under the insanity defense from two to one; adds a requirement that the court must make findings of fact and conclusions of law when it orders a competency exam; and provides that the court can release defendants on bail for competency examination, evaluation, and treatment.

Language was added to the legislation in response to the Alaska Supreme Court decision *In re Abigail B* (April 28, 2023). This language does not relieve the state of its duty to comply with all terms of *Disability Law Center v. State* (2020).