



# Alaska State Legislature

## Senator Matt Claman

Session: State Capitol, Juneau, AK 99801 Phone: 465-4919

Interim: 1500 W. Benson Blvd., Anchorage, AK 99503 Phone: 269-0130

### Senate Bill 53

#### Sectional Analysis — Version B

##### Section 1

###### *AS 12.47.110. Commitment on finding of incompetency*

Adds a new subsection (f) clarifying that the Department of Law has a duty to file an involuntary commitment petition when a person has been found incompetent to stand trial and the criminal charges are being dismissed due to the defendant's inability to be restored to competency.

##### Section 2

###### *AS 47.30.771. Additional five-year commitment*

Adds a new section creating additional five-year involuntary commitment. Five-year commitment petitions are filed at the expiration of 180-day commitments for individuals who meet the following criteria: the respondent is mentally ill and as a result is likely to cause harm to self or others; the respondent has a history of repeated felony offenses against a person under AS 11.41, or attempts of harm to self; the respondent has been found incompetent to stand trial under AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41; and commitment of the respondent for greater than 180 days but not greater than five years is necessary to protect the public.

Clarifies that findings of fact relating to the respondent's behavior made at 30-day, 90-day, and 180-day commitment hearings shall be admitted as evidence and may not be rebutted except that newly discovered evidence may be used for the purpose of rebutting the findings. Instructs the department to submit an annual report to the attorney general, public defender, public advocate, Alaska Court System, and the attorney of record of the respondent detailing how many respondents are committed under this section and how much time remains on each order of commitment.

##### Section 3

###### *AS 47.30.780. Early discharge*

Amends subsection (a) to include reference to new subsection (c) of AS 47.30.780.

##### Section 4

###### *AS 47.30.780. Early discharge*

Adds new subsections which require that the professional person in charge may not discharge respondents from involuntary commitment unless the court enters an order officially terminating the involuntary commitment after a hearing. This section requires a court decision on discharge of a respondent from involuntary commitment.

##### Section 5

###### *AS 47.30.805. Computation, extension, and expiration of periods of time*

Amends section (a) to include five-year commitments. States that five-year commitment period expires at the end of five years after the 180-day period of treatment.