



# Alaska State Legislature

## Senator Matt Claman

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### Senate Bill 53

#### Summary of Changes

#### **Senate Health and Social Services Committee: Version B to Version S**

This committee passed out a committee substitute version S for Senate Bill 53.

The CS amended version B to: reduce the number of psychiatrist or psychologist evaluations required for the insanity defense from two to one to match the number of evaluations required in other areas of statute; remove the requirement that the psychiatrist or psychologist has certification by the American Board of Forensic Psychology; require that motions by attorneys requesting competency evaluations are written motions; add references to AS 12.30 bail release conditions in order to incorporate outpatient competency examinations, evaluations, and treatment into the competency evaluation and restoration process; increase the maximum total time for competency restoration hold from one year to two years for charges of felony offenses against a person or felony arson; add arson to the crimes considered dangerous and thus eligible for the up to five-year commitment under the civil statute; and add notice provisions for the alleged victim in the dismissed criminal case when the charge was felony offense against a person or felony arson and the individual was found incompetent and subsequently committed involuntarily.

The committee substitute included provisions that were drafted to close the gap between dismissed criminal charges due to incompetency and the start of civil commitment proceedings. This process was refined in the next committee and is discussed more thoroughly below.

#### **Senate Judiciary Committee: Version S to Version P**

This committee passed out a committee substitute version P for Senate Bill 53.

The CS amended version S to: remove the requirement that psychologists are “forensic” psychologists in the requirements for evaluation under the insanity defense; remove the requirement that attorneys file a motion that is written when making a motion for judicial determination of the competency of the defendant and instead added language that the court make findings of fact and conclusions of law that justify an examination before ordering the defendant examined for competency; narrow the arson standard for up to five-year commitments to felony arson only; and create a new section in the civil commitment statute that allows for a smooth transition for dangerous individuals from dismissed criminal charges due to incompetency to the start of civil commitment proceedings, including a duty for Department of Law to file a petition for emergency evaluation for civil commitment under new section AS 47.30.706 upon dismissal of the criminal charges.