

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR WILSON

TO: CSSB 53(FIN), Draft Version "O"

Page 1, lines 1 - 2:

Delete **"relating to competency to stand trial; relating to involuntary civil commitments"**

Insert **"screenings for involuntary commitment after a finding of incompetence"**

Page 1, line 5, through page 4, line 7:

Delete all material.

Page 4, line 8:

Delete **"Sec. 5"**

Insert **"Section 1"**

Renumber the following bill sections accordingly.

Page 4, line 9:

Delete **"(a)"**

Page 4, lines 13 - 14:

Delete **"delivered to the nearest evaluation facility for an evaluation under AS 47.30.710"**

Insert **"screened under AS 47.30.700"**

Page 4, line 15, through page 5, line 9:

1 Delete all material.

2
3 Renumber the following bill sections accordingly.

4
5 Page 5, lines 14 - 18:

6 Delete all material and insert:

7 "(1) the Department of Law shall notify a victim in the dismissed
8 criminal case

9 (A) of the time and place of a hearing under AS 47.30.700 -
10 47.30.915;

11 (B) of the length of time for which the respondent is committed
12 and findings of fact made by the court; and

13 (C) when the respondent is discharged from commitment; and

14 (2) a victim in the dismissed criminal case may attend a hearing under
15 AS 47.30.700 - 47.30.915."

16
17 Page 5, line 21:

18 Delete "(1)"

19 Delete "; or"

20 Insert "."

21
22 Page 5, line 22, through page 10, line 5:

23 Delete all material and insert:

24 **"* Sec. 3.** AS 47.30.735(b) is amended to read:

25 (b) The hearing shall be conducted in a physical setting least likely to have a
26 harmful effect on the mental or physical health of the respondent, within practical
27 limits. At the hearing, in addition to other rights specified in AS 47.30.660 -
28 47.30.915, the respondent has the right

29 (1) to be present at the hearing; this right may be waived only with the
30 respondent's informed consent; if the respondent is incapable of giving informed
31 consent, the respondent may be excluded from the hearing only if the court, after

1 hearing, finds that the incapacity exists and that there is a substantial likelihood that
2 the respondent's presence at the hearing would be severely injurious to the
3 respondent's mental or physical health;

4 (2) to view and copy all petitions and reports in the court file of the
5 respondent's case;

6 (3) to have the hearing open or closed to the public as the respondent
7 elects, **except that, if the respondent was charged with a felony offense against a**
8 **person under AS 11.41 or felony arson and the criminal case was dismissed under**
9 **AS 12.47.110, an alleged victim in the dismissed criminal case may attend the**
10 **hearing;**

11 (4) to have the rules of evidence and civil procedure applied so as to
12 provide for the informal but efficient presentation of evidence;

13 (5) to have an interpreter if the respondent does not understand
14 English;

15 (6) to present evidence on the respondent's behalf;

16 (7) to cross-examine witnesses who testify against the respondent;

17 (8) to remain silent;

18 (9) to call experts and other witnesses to testify on the respondent's
19 behalf."