

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 10, 2014

SUBJECT: Sectional summary: HB366 (Work Order No. 28-LS1172\O)

TO: Representative Lance Pruitt
Attn: Morgan Hopson

FROM: Kathleen Strasbaugh
Legislative Counsel

You have requested a sectional summary of the "O" version of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 requires the Department of Public Safety (DPS) to transmit information concerning involuntary mental health commitments to the National Instant Criminal Background Check System established under P.L. 103 - 159, 107 Stat. 1536 (Brady Handgun Violence Prevention Act), and concerning relief from the legal disabilities of such commitments and other adjudications of mental illness and mental incompetence. The section also imposes certain confidentiality requirements.

Section 2 amends AS 47.30.845 to authorize DPS to receive the information necessary to comply with sec. 1, except for diagnostic or clinical information.

Section 3 amends AS 47.30.850 to provide that records are sealed rather than expunged, and changing "respondent" to "person."

Section 4 creates a procedure that allows a person who has been involuntarily committed or otherwise adjudicated mentally ill or incompetent and who is, as a result, disqualified from possession of firearms under federal law to file a motion to be relieved of the disability. The section requires the reviewing court to consider the circumstances of the commitment or adjudication, the time that has elapsed since the commitment or adjudication, the person's criminal and mental health record, whether the person has engaged in conduct that would be a crime against a person, and other changes in the person's circumstances. The court may grant the relief if the person is unlikely to act in a manner dangerous to the person or to public safety and if granting relief is not contrary to the public interest.

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Section 5 requires the court and the Department of Health and Social Services to transmit information concerning involuntary commitment and the granting of relief under sec. 4 of the bill to DPS. The section does not apply to precommitment detention and evaluation information under AS 47.30.700 - 47.30.715 if the person was released under AS 47.30.720.

Section 6 provides definitions.

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