



Alaska State Legislature

Senator Matt Claman

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Senate Bill 53

Sponsor Statement – Version P

“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 five-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, and (4) present a danger to themselves or others.

The involuntary commitment of John Hinckley followed his attempted assassination of President Ronald Reagan in 1981. He was found guilty by reason of insanity for the crime and held in mental institutions until his release in 2022. The published case history of the long-term psychiatric hold of John Hinckley aided our office in our work on this bill. Hinckley petitioned the court for his release from involuntary commitment numerous times over 40 years. The cases show the history of restrictions as his psychiatric condition improved and the continuing authority to maintain the involuntary commitment. Alaska law provides for an indefinite period of involuntary commitment following a verdict of not guilty by reason of insanity.

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, and move 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 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 court finds, based on the respondent’s ongoing treatment, there is a basis to find that the respondent is no longer a danger to himself 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.

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; increases the time for competency restoration from one to two years in serious cases; and provides that the court can release defendants on bail for competency examination, evaluation, and treatment.