

SENATE BILL NO. 53

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR CLAMAN

Introduced: 2/1/23

Referred: Health & Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to involuntary civil commitments."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 12.47.110 is amended by adding a new subsection to read:

4 (f) If, under (b) of this section, the court finds that a defendant charged with a
5 felony offense against a person under AS 11.41 remains incompetent at the expiration
6 of a second 90-day period and the court does not extend the period of commitment for
7 an additional six months, or if the court finds that the defendant remains incompetent
8 at the expiration of the additional six-month period, the Department of Law shall file a
9 petition seeking involuntary commitment of the defendant under AS 47.30.700 -
10 47.30.915.

11 * **Sec. 2.** AS 47.30 is amended by adding a new section to read:

12 **Sec. 47.30.771. Additional five-year commitment.** (a) The respondent shall
13 be released from involuntary treatment at the expiration of 180 days unless the
14 professional person in charge or the attorney general's office files a petition for a five-
15 year commitment conforming to the requirements of AS 47.30.740(a) except that all

1 references to "30-day commitment" shall be read as "the previous 180-day
 2 commitment" and all references to "90-day commitment" shall be read as "five-year
 3 commitment."

4 (b) The procedures for service of the petition, notification of rights, and
 5 judicial hearing shall be as set out in AS 47.30.740 - 47.30.750. Following a 180-day
 6 commitment of a respondent, the court may order the respondent committed for an
 7 additional treatment period not to exceed five years from the date on which the 180-
 8 day treatment period would have expired if the court or jury finds by clear and
 9 convincing evidence that

10 (1) the respondent is mentally ill and as a result is likely to cause harm
 11 to self or others;

12 (2) the respondent has a history of repeated

13 (A) felony offenses against a person under AS 11.41, including
 14 offenses for which the respondent was found incompetent to stand trial under
 15 AS 12.47.100 and 12.47.110; or

16 (B) attempts of harm to self;

17 (3) the respondent has been found incompetent to stand trial under
 18 AS 12.47.100 and 12.47.110 for a felony offense against a person under AS 11.41; and

19 (4) commitment of the respondent for greater than 180 days but not
 20 greater than five years is necessary to protect the public.

21 (c) Findings of fact relating to the respondent's behavior made at a 30-day
 22 commitment hearing under AS 47.30.735, a 90-day commitment hearing under
 23 AS 47.30.750, or a 180-day commitment hearing under AS 47.30.770 shall be
 24 admitted as evidence and may not be rebutted except that newly discovered evidence
 25 may be used for the purpose of rebutting the findings.

26 (d) The department shall, by January 30 of each year, submit to the attorney
 27 general, public defender, public advocate, Alaska Court System, and the attorney of
 28 record for the respondent, if any, a report that details how many respondents are
 29 committed under this section and how much time remains on each order of
 30 commitment.

31 * **Sec. 3.** AS 47.30.780(a) is amended to read:

(a) Except as provided in (b) and (c) of this section, the professional person in charge shall at any time discharge a respondent on the ground that the respondent is no longer gravely disabled or likely to cause serious harm as a result of mental illness. A certificate to this effect shall be sent to the court, which shall enter an order officially terminating the involuntary commitment.

* **Sec. 4.** AS 47.30.780 is amended by adding new subsections to read:

(c) If a respondent committed under AS 47.30.770 or 47.30.771 has a history of repeated felony offenses against a person under AS 11.41, including offenses for which the respondent was found incompetent to stand trial under AS 12.47.100 and 12.47.110, or is committed as a result of being 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, the professional person in charge may not discharge the respondent under (a) of this section unless the court enters an order officially terminating the involuntary commitment after a hearing. The respondent, the professional person in charge, the prosecuting authority, and the respondent's attorney, if applicable, shall appear at the hearing. If the prosecuting authority opposes discharge, the court shall treat the matter as a petition for early discharge under (d) of this section, notwithstanding a limitation imposed by (e) of this section.

(d) Except as provided in (e) of this section, a respondent committed under AS 47.30.771 may petition the court for early discharge at any time during the commitment. The court shall grant early discharge if the court finds by clear and convincing evidence that, based on the respondent's ongoing medication or other treatment, there is a factual and medical basis to believe the respondent is no longer likely to cause harm to self or others.

(e) A respondent may not file a new petition for early discharge within one year after the date the court enters a final order ruling on a petition for early discharge.

* **Sec. 5.** AS 47.30.805(a) is amended to read:

(a) Except as provided in (b) of this section,

(1) computations of a 72-hour evaluation period under AS 47.30.708 or 47.30.715 or a 48-hour detention period under AS 47.30.685 do not include Saturdays, Sundays, legal holidays, or any period of time necessary to transport the

1 respondent to the treatment facility, except that if the exclusion of Saturdays, Sundays,
2 and legal holidays from the computation of a 72-hour evaluation period or 48-hour
3 detention period would result in the respondent being held for longer than 72 hours or
4 48 hours, as applicable, the period ends at 5:00 p.m. on the next day that is not a
5 Saturday, Sunday, or legal holiday;

6 (2) a seven-day detention at a crisis residential center expires at the end
7 of the seventh day following the respondent's arrival at the crisis stabilization center or
8 the crisis residential center, whichever is earlier;

9 (3) a 30-day commitment period expires at the end of the 30th day
10 after the 72 hours following initial acceptance;

11 (4) a 90-day commitment period expires at the end of the 90th day
12 after the expiration of a 30-day period of treatment;

13 (5) a 180-day commitment period expires at the end of the 180th day,
14 after the expiration of a 90-day period of treatment or previous 180-day period,
15 whichever is applicable;

16 **(6) a five-year commitment period expires at the end of five years**
17 **after the expiration of a 180-day period of treatment.**