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HB 80 CS Explanation of Changes Version B to S

Section 1 Page 1, Line 5 12.47.070(a) is amended to read

Replaced section 1 of HB 80 version B with section 1 of SB 53 version P.

Impact of Change

No changes were made to section 1 of SB 53 version P.

Section 2 Page 2, Line 8 12.47.100(b) is amended to read

Replaced section 1 of HB 80 version B with section 1 of SB 53 version P.

Impact of Change

No changes were made to section 1 of SB 53 version P.

Section 3 Page 2, Line 26 12.47.100 is amended by adding new subsections

Replaced section 3 of HB 80 version B with section 3 of SB 53 version P. The following crimes were added to subsection (j): AS 11.41 (all crimes against a person, including misdemeanors), AS 11.46.400-11.46.27 (arson crimes, just felonies), AS 11.61.140 (cruelty to animals), and AS 11.61.190-11.61.210 (misconduct involving weapons)

Impact of Change

SB 53 version P limits offenses of concern to felony offenses against a person (AS 11.41) and felony arson. The additional offenses that were added in subsection (j) broadens the offenses of concern that a defendant may be evaluated for in order to determine if they meet the standards for involuntary commitment.

Section 4 Page 3, Line 16 AS 12.47.110(a) is amended to read

Replaced section 4 of HB 80 version B with section 3 of that same version B.

Delete "crime listed in (f) of this section" refers to "(f)" in HB 80 version B

Insert "crime listed in (h) of this section" refers to "(h)" in HB 80 CS version S

Impact of Change

The changes made here narrow the scope of crimes that are listed. Crimes listed in (f) of version B that are not listed in (h) of version S are the following: AS 11.46.430 (criminally negligent burning in the second degree), AS 11.51.100, AS 11.61.118, and AS 11.61.22

Section 5 Page 3, Line 28 AS 12.47.110 (b) is amended to read

Replaced section 5 of HB 80 version B with section 4 of SB 53 version P. Felonies against a person under AS 11.41 and felony arson were already listed in subsection (b). We added the crimes AS 11.46.400 - 11.46.427, AS 11.61.140(h), or 11.61.190 – 11.61.200

Impact of Change

For the crimes that we added to subsection (b), the court may extend the period of commitment for additional 18 months.

Section 6 **Page 4, Line 22 AS 12.47.110 is amended by adding new subsections**

Section 6 of HB 80 version B is replaced with section 5 of SB 53 version P. Felonies against a person under AS 11.41 and felony arsony were already listed in subsection (g). We added the crimes AS 11.46.400 - 11.46.427, AS 11.61.140, or 11.61.190 – 11.61.210

Impact of Change

By adding these crimes to this subsection, it ensures that a defendant charged with one of these crimes will be subject to the process detailed in this subsection. Meaning that if they remain incompetent at the expiration of the additional 18 month period, they will remain subject to the next steps in the prosecutorial process.

Section 7 **Page 5, Line 23 AS 47.30 is amended by adding new section 47.30.706**

Section 7 of HB 80 version B is replaced with section 6 of SB 53 version P. Felonies against a person under AS 11.41 and felony arsony were already listed in subsection (a) and (d). To both of those subsections, we added the crimes AS 11.46.400 - 11.46.427, AS 11.61.140, or 11.61.190 – 11.61.210

Impact of Change

If a person charged with an offense under the statutes we added has been found incompetent to proceed under AS 12.47, subsection (a) ensures that an attorney with the department of law file a petition with the court to have delivered to the nearest facility for an evaluation under AS 47.30.710.

Adding these statutes to subsection (d) has the affect that a defendant charged with an offense under them is rebuttably presumed mentally ill and to present serious harm to self or others. And it says the court may consider as recent behavior “the conduct with which the defendant was originally charged.

Section 8 **Page 6, Line 23 AS 47.30.710(a) is amended to read**

Replace section 8 of HB 80 version B with section 7 of SB 53 version P. No other changes made to this section.

Section 9 **Page 6, Line 29 AS 47.30.725 is amended by adding new subsections**

Section 9 of HB 80 version B is replaced with section 8 of SB 53 version P. Felonies against a person under AS 11.41 and felony arsony were already listed in subsection (g). To that subsection, we added the crimes AS 11.46.400 - 11.46.427, AS 11.61.140, or 11.61.190 – 11.61.210

Impact of Change

This section details that a victim of a crime shall be notified when the criminal case is dismissed. That statutes we added in this section ensures that the victims of these additional crimes will be notified as well.

Section 10 **Page 7, Line 10 AS 47.30 is amended by adding a new section**

Replaces section 10 of HB 80 version B with section 9 of SB 53 version P. Felonies against a person under AS 11.41 and felony arsony were already listed in subsection (b)(2) and (b)(3). To those two subsections, we added the crimes AS 11.46.400 - 11.46.427, AS 11.61.140, or 11.61.190 – 11.61.210

Impact of Change

(b)(2) and (b)(3) broadens the scope of offenses that may be considered when determining a 5 year commitment period.

Section 11 **Page 8 Line 17 AS 47.30.780(a) is amended to read**

Replaced section 11 of HB 80 version B with section 10 of SB 53 version P. No additional changes were made to this section.

Section 12 **Page 8, Line 23 AS 47.30.780 is amended by adding subsections**

We took section 11 of SB 53 version P and made it Section 12 in this CS. Felonies against a person under AS 11.41 and felony arsony were already listed in subsection (c). To subsection (c), we added the crimes AS 11.46.400 - 11.46.427, AS 11.61.140, or 11.61.190 – 11.61.210

Impact of Change

By adding these offenses listed in these statutes to subsection (a), we have broadened the scope of offenses so that the professional person in charge may not discharge these additional respondents under (a) of this section unless the court officially terminates the involuntary commitment.

Section 13 **Page 9, Line 13, AS 47.30.805(a) is amended to read**

We took section 12 of SB 53 version P and made it section 13 of this CS. We didn't make any additional changes to this section.

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