

ALASKA STATE LEGISLATURE

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Official Business

Finance CS for Senate Bill 53: Involuntary Civil Commitment Summary of Changes from Previous Version (“P” to “O”)

- 1) Section 4 from version P is deleted in its entirety. This section extended the competency restoration period for a person found incompetent to stand trial from one year to two years.

This change was to prevent extending the restoration waitlist at Alaska Psychiatric Institute and will reduce the fiscal note from the Department of Family and Community Services.

- 2) Section 5 in version O, which was section 6 in version P, is amended to add the words “before the charges are dismissed.”

This is to ensure that all individuals who meet the bill’s standard of dangerousness are seamlessly transitioned to involuntary civil commitment proceedings.

- 3) Section 7 in version O, which was Section 8 in version P, is amended to clarify that victims of dismissed criminal charges who receive notice under this section are not entitled to attend the civil commitment hearings if the respondent has elected to have the hearing closed.

- 4) Adds a new Section 8, which was previously subsection 6(e). Separating and clarifying this language, which describes the procedure for providing civil commitment records to the original criminal prosecutor, was at the request of the Civil Division of the Department of Law.

- 5) Adds a new subsection (b)(5) to Section 9, to ensure that a longer period of commitment is necessary to protect the public. This was added by request from the Disability Law Center.

- 6) Rewrites Section 11 to clarify the procedures for discharge from involuntary commitment. The professional person in charge may discharge the respondent after a court order terminating the commitment, and after the prosecutor receives notice. Also, the respondent may petition the court for early discharge with evidence demonstrating that they are no longer likely to cause serious harm. An early discharge petition may only be filed once every 180 days, a change from once per year in the previous version.

- 7) Adds a conforming new Section 13 to establish that records releases to the Criminal Division, described in Section 8 of the bill, are confidential.