



LAWS OF ALASKA

1986

Source

CSHB 423(Jud)

Chapter No.

74

AN ACT

Relating to persons found not guilty by reason of insanity.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

Approved by the Governor: June 5, 1986
Actual Effective Date: September 3, 1986

AN ACT

Relating to persons found not guilty by reason of insanity.

* Section 1. AS 12.47.090 is amended by adding a new subsection to read:

(k) If the court finds that a defendant committed under (b) or (c) of this section can be adequately controlled and treated in the community with proper supervision, the court may order the defendant conditionally released from confinement under AS 12.47.092 for a period of time not to exceed the maximum term of imprisonment for the crime for which the defendant was acquitted under AS 12.47.010 or 12.47.020(b) or until the mental illness is cured or corrected, whichever first occurs, as determined at a hearing under (c) of this section.

* Sec. 2. AS 12.47 is amended by adding a new section to read:

Sec. 12.47.092. PROCEDURE FOR CONDITIONAL RELEASE. (a) A defendant committed to the custody of the commissioner of health and social services under AS 12.47.090(b) or (c) may be conditionally released from confinement subject to the conditions and requirements for treatment that the court may impose, and placed under the supervision of the Department of Health and Social Services, a local government agency, a private agency, or an adult, who agrees to assume supervision of the defendant.

(b) The commissioner of health and social services or the commissioner's authorized representative shall submit, at a minimum,

Chapter 74

1 quarterly written reports to the court describing the defendant's
2 progress in treatment, compliance with conditions of release, and
3 other information required by the court for defendants conditionally
4 released under this section.

5 (c) A person or agency responsible for supervision or treatment
6 under an order for conditional release shall immediately notify the
7 commissioner of health and social services upon the defendant's fail-
8 ure to appear for required medication or treatment, or for failure to
9 comply with other conditions imposed by the court.

10 (d) If the court, after petition or on its own motion, rea-
11 sonably believes that a conditionally released defendant is failing to
12 adhere to the terms and conditions of the conditional release, the
13 court may order that the conditionally released defendant be appre-
14 hended and held until a hearing can be scheduled with the court to
15 determine the facts and whether or not the defendant's conditional
16 release should be revoked or modified. Nothing in this subsection is
17 intended to limit procedures available for emergency situations,
18 including emergency detention under AS 47.30.705.

19 (e) The commissioner of health and social services or the condi-
20 tionally released defendant may petition the court for modification of
21 an order of conditional release. A petition by the defendant for
22 modification of conditional release may not be filed more often than
23 once every six months.

24 (f) A defendant conditionally released under AS 12.47.090(k) may
25 petition the court for discharge in accordance with AS 12.47.090(e).

26 * Sec. 3. This Act applies to a defendant committed under former
27 AS 12.45.090 or AS 12.47.090 who is under the custody of the Department of
28 Health and Social Services on the effective date of this Act.