

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSHB 366(STA)  
Fiscal Note Number: 2  
(H) Publish Date: 3/12/14

Identifier: HB366-DHSS-API-03-07-14  
Title: INVOLUNTARY COMMITMENT  
Sponsor: PRUITT  
Requester: House State Affairs Committee

Department: Department of Health and Social Services  
Appropriation: Behavioral Health  
Allocation: Alaska Psychiatric Institute  
OMB Component Number: 311

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
---------------------------	--	--	--	--	--	--	--

**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.
----------------------------------

Prepared By: <u>Barbara Henjum</u>	Phone: <u>(907)269-3410</u>
Division: <u>Behavioral Health</u>	Date: <u>03/07/2014 03:00 PM</u>
Approved By: <u>Sarah Woods, Deputy Director, Finance &amp; Management Services</u>	Date: <u>03/07/14</u>
Agency: <u>Health and Social Services</u>	

## FISCAL NOTE ANALYSIS #2

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSHB 366(STA)

### Analysis

HB366 requires the State of Alaska to make a report to the FBI's National Instant Criminal Background Check System (NICBCS) when a person is adjudicated mentally ill or mentally incompetent (to stand trial). A report to the FBI database will effectively prohibit that person from owning or buying a gun or ammunition. It requires the report to the NICBCS to be made by the Department of Public Safety, based on information received from both the Alaska Court System and the Department of Health & Social Services.

This would require API medical records staff to inform DPS whenever a person was adjudicated mentally ill and involuntarily committed to API for up to 30 days or more. This could be efficiently handled by the development of a form by DPS (or DHSS) for the transmittal of the required information to DPS within a few days of the actual commitment. The form could be faxed to DPS.

The bill also creates provisions whereby a person adjudicated mentally ill or mentally incompetent may seek to have that information expunged or sealed by an Alaska superior court judge. If the record is sealed or expunged, it would effectively remove the prohibition of gun ownership from the individual.

If API receives notice that a superior court judge has sealed a record, or ordered that the adjudication of a commitment be expunged from a patient's record, then API will need to develop an internal process within its medical records department to ensure that a sealed record is, indeed, identified as sealed, and that the expunged parts of a patient record are indeed removed from the patient's record.

The financial impact of the legislation on DHSS/Division of Behavioral Health/API is limited, so long as the legislation is future oriented.