

1 IN THE HOUSE

BY MR. BUCKALEW

2

HOUSE BILL NO. 223

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act to provide a judicial procedure

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whereby a person previously adjudged insane

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may petition for an order declaring him

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sane and for the restoration of such rights

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and powers as may have been lost or im-

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paired by such prior adjudication."

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

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Section 1. PETITION TO RESTORE COMPETENCY. Any person who

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has been adjudged insane and committed to a mental institution

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pursuant to Chapter 4, Title 51, ASLA 1949, and who thereafter

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has been finally discharged from such institution, or from a

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facility of the United States Veterans Administration, pursuant

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to Section 51-4-9 thereof, or pursuant to any other law for the

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final discharge of such persons from such institutions or

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facilities, may petition the United States Commissioner, ex

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officio judge of probate, for the precinct in which the petitioner

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resides, for an order adjudging the petitioner sane and competent

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to exercise such rights and powers as may have been lost or

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impaired as a result of such adjudication and commitment.

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Section 2. HEARING; JUDGMENT; ORDER. Upon the filing of

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the petition described herein, the United States Commissioner

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shall, by order, set the time and place for a hearing thereon,

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which hearing shall be held not less than 30 days nor more than

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45 days from the date such petition is filed; provided, however,

1 that the United States Commissioner may, for good cause, continue  
2 such hearing from time to time on his own motion, or the motion  
3 of the parties thereto. A copy of the petition and of the order  
4 setting the time and place for hearing shall be transmitted  
5 forthwith to the Territorial Commissioner of Health, or his  
6 designee. At the hearing, the petitioner shall be entitled to be  
7 represented by counsel of his own choosing; the petitioner, as  
8 well as the Territorial Commissioner of Health, or the latter's  
9 designee, may present such evidence and call such witnesses as  
10 may assist the United States Commissioner in making his deter-  
11 mination; and the rules of evidence shall be relaxed.

12 If at the conclusion of the hearing, and after the parties  
13 thereto have had a reasonable opportunity to present their evi-  
14 dence, the United States Commissioner finds that the petitioner  
15 is sane and competent to exercise fully all rights and powers  
16 which may have been lost or impaired as a result of the prior  
17 adjudication of insanity and commitment, he shall enter a  
18 judgment setting forth his findings and enter an order declaring  
19 the petitioner sane and legally competent to exercise such rights  
20 and powers; otherwise he shall dismiss the petition. The entry  
21 of an order declaring a petitioner sane and competent shall not  
22 act to discharge any guardian who may have been appointed for  
23 such petitioner pursuant to the prior adjudication of insanity  
24 or incompetence.

25 . Section 3. COSTS. The filing and hearing fees payable to  
26 the United States Commissioner shall be assessed on the petitioner  
27 as provided in civil actions in the justice's court; provided,  
28 however, that upon the petitioner's proper showing that he is  
29 indigent and without the means to pay the prescribed fees, such

1 fees shall be paid from the same source, and in the same manner,  
2 as the fees incident to the judicial procedure by which the  
3 petitioner was originally adjudicated insane and committed.

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