

Introduced: 4/26/78
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 949

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the treatment of persons found not
7 guilty on the ground of mental disease or defect."

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

9 * Section 1. AS 12.45.090 is amended to read:

10 Sec. 12.45.090. COMMITMENT AFTER JUDGMENT OF NOT GUILTY. (a) If
11 the court or jury finds the defendant not guilty on the ground of mental
12 disease or defect and the court considers his being at large dangerous
13 to the health and [PUBLIC PEACE OR] safety of others, the court shall
14 order him to be committed to an institution authorized by the commis-
15 sioner of health and social services to receive that person, and held in
16 custody until the disease is cured or the defect corrected or until he
17 is judged to be no longer dangerous to others or he is otherwise dis-
18 charged from the institution by authority of law. The commissioner of
19 health and social services shall provide the court with reports de-
20 tailing the status, progress, and prognosis of persons committed under
21 this subsection at least once every six months.

22 * Sec. 2. AS 12.45.090 is amended by adding new subsections to read:

23 (b) If the court or jury finds the defendant not guilty on the
24 ground of mental disease or defect and the court does not consider his
25 being at large dangerous to the health and safety of others, the court
26 shall order his discharge.

27 (c) If the court or jury finds the defendant not guilty on the
28 ground of mental disease or defect and the court considers his being at
29 large dangerous to the health and safety of others but determines that

1 the defendant can be controlled in the community with proper super-
2 vision, the court may commit him to the custody of the commissioner of
3 health and social services and may order his conditional release under
4 supervision, subject to such conditions as the court may impose, for a
5 period of no more than three years in accordance with sec. 92 of this
6 chapter.

7 * Sec. 3. AS 12.45 is amended by adding a new section to read:

8 Sec. 12.45.092. CONDITIONAL RELEASE AFTER JUDGMENT OF NOT GUILTY.

9 (a) A defendant committed under sec. 90(a) of this chapter may be
10 released by court order and placed under supervision in a non-institu-
11 tional setting for a period of no more than three years, subject to such
12 conditions as the court may impose. The court may, upon application by
13 the defendant, his attorney, the medical director of the institution, or
14 other interested party, conduct a hearing to determine if conditional
15 release under supervision is appropriate.

16 (b) A defendant released under sec. 90(c) of this chapter or (a)
17 of this section may be returned to custody if the court finds, after a
18 hearing, that he is not in substantial compliance with the conditions of
19 his release or that he is a danger to the health and safety of others
20 and can no longer be controlled in the community under supervision.

21 (c) A defendant released under sec. 90(c) of this chapter or under
22 (a) of this section may petition the court at any time for a discharge
23 hearing.

24 (d) The commissioner of health and social services shall provide
25 the court with progress reports detailing the mental status, treatment
26 plan, progress, and prognosis of persons released under sec. 90(c) of
27 this chapter or under (a) of this section at least every six months.

28 (e) A defendant released under sec. 90(c) of this chapter or (a)
29 of this section shall be discharged from supervision at the expiration

1 of three years from the date of release unless the court finds, after a
2 hearing, that the defendant continues to pose a danger to the health and
3 safety of others and cannot be controlled in the community without
4 continued supervision, in which case the defendant shall be continued
5 under supervision subject to such conditions as the court may impose.

6 (f) When a defendant is not discharged from supervision after
7 three years under (e) of this section, the court shall conduct a hearing
8 not less frequently than once each year to determine whether the defen-
9 dant should be discharged or continued under supervision.

10 (g) At any time during the period of supervision the court may
11 revoke or modify the conditions of supervision or order of release.

12 (h) A defendant committed under sec. 90(a) of this chapter or
13 released under sec. 90(c) of this chapter or (a) of this section is not
14 liable for the expenses of hospitalization or transportation incurred as
15 a result of his commitment or release.

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