

Offered: 3/24/86
Referred: Judiciary

Original sponsors: Shultz and Marrou

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 423 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to certain mentally ill persons."

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

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

10 (k) If the court finds that a defendant committed under (b) or
11 (c) of this section can be adequately controlled and treated in the
12 community with proper supervision, the court may order the defendant
13 conditionally released from confinement under AS 12.47.092 for a
14 period of time not to exceed the maximum term of imprisonment for the
15 crime for which the defendant was acquitted under AS 12.47.010 or
16 12.47.020(b) or until the mental illness is cured or corrected as
17 determined at a hearing under (c) of this section.

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

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

27 (b) The commissioner of health and social services or the com-
28 missioner's authorized representative shall submit, at a minimum,
29 quarterly written reports to the court describing the defendant's

1 progress in treatment, compliance with conditions of release, and
2 other information required by the court for defendants conditionally
3 released under this section.

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

9 (d) If the court after petition or on its own motion reasonably
10 believes that a conditionally released defendant is failing to adhere
11 to the terms and conditions of the conditional release, the court may
12 order that the conditionally released defendant be apprehended and
13 held by the Department of Health and Social Services until a hearing
14 can be scheduled with the court to determine the facts and whether or
15 not the defendant's conditional release should be revoked or modified.
16 Nothing in this subsection is intended to limit procedures available
17 for emergency situations including emergency detention under AS 47.-
18 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.