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COMMITTEE REPORT

HOUSE

(7)

FURTHER: JUDICIARY

5/3/85

Date: 1/17/86

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 423

"An Act relating to the release of certain dangerous persons and liability for their conduct following release."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 423 (HESS) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
with analysis 2/5/86
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

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MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

[Signature]

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 423 (HESS)
 Title : An Act relating to certain
mentally ill persons.
 Sponsor : Shultz and Marrou
 Requestor : _____
 Date of Request : 3/20/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Division of Mental Health
& Developmental Disabilities
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

(See attached page)

Prepared by : Mel Henry, Ph.D., M.P.A. Phone : 465-3370
 Division : Mental Health & Developmental Disabilities Date : _____

Approved by Commissioner : John R. Poy Date : 3/21/86
 Agency : Health & Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ANALYSIS: CSHB 423 (HESS)

The Department of Health and Social Services is currently responsible for patients covered under this bill. It is estimated that less than thirty patients are affected by this bill. The administrative procedures of the department now provide the reports to the court as required by this bill. It is our projection that there will not be any additional costs incurred by the department as a result of the passage of this bill.

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.
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