

1 SB133
2 147894-4
3 By Senator Pittman
4 RFD: Judiciary
5 First Read: 05-FEB-13

1 SB133

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4 ENROLLED, An Act,

5 To amend Section 22-52-10.8 of the Code of Alabama
6 1975, to provide for the forwarding of orders providing for
7 the involuntary commitment of persons for inpatient mental
8 health treatment to the Alabama Criminal Justice Information
9 Center; and to provide for petition for the review of a
10 person's mental capacity to purchase a firearm to be filed in
11 circuit court.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 22-52-10.8 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§22-52-10.8.

16 "(a) When the judge of probate of a county enters an
17 order for the involuntary commitment of a person pursuant to
18 Section 22-52-10.1, and the order is for a final commitment
19 for inpatient treatment to the Department of Mental Health ~~and~~
20 ~~Mental Retardation~~ or a Veterans' Administration ~~Hospital~~
21 hospital, or as otherwise provided by law, and the order is
22 based on evidence produced in ~~open~~ court ~~from law enforcement~~
23 ~~personnel~~ that the committed person has shown a history of the
24 inappropriate use of firearms or other dangerous instrument or
25 deadly weapons as defined in Section 13A-1-2 or has threatened

1 to use firearms or other dangerous weapons or poses a threat
2 to use firearms or other dangerous weapons inappropriately,
3 the judge shall immediately forward the order to the Criminal
4 Justice Information Center and the order shall be entered in
5 ~~the Criminal Justice Information System~~ its information
6 systems. The order shall be forwarded to the Criminal Justice
7 Information Center in the manner as the Criminal Justice
8 Information Center Commission shall provide. The Criminal
9 Justice Information Center shall as soon as possible
10 thereafter enter the order in the National Instant Criminal
11 Background Check System (NICS) and the information shall be
12 entered into the NICS Index Denied Persons File. The records
13 maintained pursuant to this section shall only be used for
14 purposes of determining eligibility to purchase or transfer a
15 firearm. Information furnished shall not include confidential
16 medical or treatment records, confidential tax or financial
17 data, library records, or other personal information.

18 "(b) Any person who has been adjudicated mentally
19 deficient or committed to a mental institution may petition
20 the district court for a civil review of the person's mental
21 capacity to purchase a firearm. The petitioner may present
22 evidence and witnesses at the hearing on the petition. The
23 district court shall make written findings of fact and
24 conclusions of law on the issues before it and issue a final
25 order. The district court shall grant the relief requested in

1 the petition if the judge finds, based on a preponderance of
2 the evidence presented with respect to the petitioner's
3 reputation, the petitioner's mental health record and, if
4 applicable, criminal history record, the circumstances
5 surrounding the petitioner's firearm disability, and any other
6 evidence in the record, that the petitioner will not be likely
7 to act in a manner that is dangerous to public safety and that
8 granting the relief would not be contrary to the public
9 interest. If the final order grants relief, a copy of the
10 order shall be forwarded to the Criminal Justice Information
11 Center directing that the prior order be removed from its
12 information systems. Thereafter the Criminal Justice
13 Information Center shall, as soon as possible, redact the
14 prior order from the National Instant Criminal Background
15 Check System (NICS) or shall request that the redaction be
16 done. The petitioner may appeal a final order denying relief
17 within 42 days of the order to the circuit court for the
18 county in which the commitment or adjudication was entered.
19 The circuit court's review shall be conducted de novo."

20 "(c) For purposes of this section, "inappropriate"
21 means unlawful or with reckless disregard for human life."

22 Section 2. To the extent allowed by the Alabama
23 Criminal Justice Information Center Commission, ACJIC may
24 provide a judge of probate access to ACJIC information systems
25 for the purpose of involuntary commitment hearings, petitions

1 to change names, and other official functions of the judge of
2 probate.

3 Section 3. This act shall be known and cited as the
4 Law Enforcement Information Act as a dedication to Sergeant
5 Larry Russell and Officer Anthony Mims of the Athens Police
6 Department and Deputy Scott Ward of the Baldwin County
7 Sheriffs Department.

8 Section 4. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

Senate 11-APR-13.
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Senate 20-MAY-13
I hereby certify that the within Act originated in and passed
the Senate, as amended by Executive Amendment.

Patrick Harris
Secretary

House of Representatives
Passed: 07-MAY-13
House of Representatives
Passed: 20-MAY-13, as amended by Executive Amendment.

By: Senator Pittman