

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

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, when the judge of
9 probate of a county enters an order for the
10 involuntary commitment of a person for inpatient
11 mental health treatment and the order is based on
12 evidence from law enforcement personnel related to
13 inappropriate firearm use, the judge of probate is
14 required to forward the order to the Criminal
15 Justice Information Center and the order is entered
16 into the Criminal Justice Information System.

17 This bill would delete the above provision
18 requiring the order to be based on evidence from a
19 law enforcement officer regarding inappropriate
20 firearm use.

21 Under existing law, when a person who has
22 been committed is released from commitment, the
23 person may petition the judge of probate for review
24 of the person's mental capacity to purchase a
25 firearm.

26 This bill would provide for the petition to
27 be filed in the circuit court.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 22-52-10.8 of the Code of Alabama
15 1975, is amended to read as follows:

16 "§22-52-10.8.

17 "(a) When the judge of probate of a county enters an
18 order for the involuntary commitment of a person pursuant to
19 Section 22-52-10.1, and the order is for a final commitment
20 for inpatient treatment to the Department of Mental Health ~~and~~
21 ~~Mental Retardation~~ or a Veterans' Administration ~~Hospital~~
22 hospital, or as otherwise provided by law, ~~and the order is~~
23 ~~based on evidence produced in open court from law enforcement~~
24 ~~personnel that the committed person has shown a history of the~~
25 ~~inappropriate use of firearms or poses a threat to use~~
26 ~~firearms inappropriately~~, the judge shall immediately forward
27 the order to the Criminal Justice Information Center and the

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

15 " (b) When any individual who has been committed is
16 released from commitment, the person may petition the ~~judge of~~
17 ~~probate~~ circuit court for a review of the person's mental
18 capacity to purchase a firearm. After review, the ~~judge of~~
19 ~~probate~~ circuit court may enter an order finding that the
20 person is not subject to a mental infirmity requiring a
21 limitation on the purchase of a firearm. A copy of the order
22 shall be forwarded to the Criminal Justice Information Center
23 directing that the prior order be removed from the ~~Criminal~~
24 ~~Justice Information System~~ its information systems. Thereafter
25 the Criminal Justice Information Center shall, as soon as
26 possible, redact the prior order from the National Instant

1 Criminal Background Check System (NICS) or shall request that
2 ~~said~~ the redaction be done."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.