

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

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 22-52-10.8 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§22-52-10.8.

22 "(a) When the judge of probate of a county enters an
23 order for the involuntary commitment of a person pursuant to
24 Section 22-52-10.1, and the order is for a final commitment
25 for inpatient treatment to the Department of Mental Health ~~and~~
26 ~~Mental Retardation~~ or a Veterans' Administration ~~Hospital~~
27 hospital, or as otherwise provided by law, and the order is

1 based on evidence produced in ~~open court from law enforcement~~
2 ~~personnel~~ that the committed person has shown a history of the
3 inappropriate use of firearms or other dangerous instrument or
4 deadly weapons as defined in Section 13A-1-2 or has threatened
5 to use firearms or other dangerous weapons or poses a threat
6 to use firearms or other dangerous weapons inappropriately,
7 the judge shall immediately forward the order to the Criminal
8 Justice Information Center and the order shall be entered in
9 ~~the Criminal Justice Information System~~ its information
10 systems. The order shall be forwarded to the Criminal Justice
11 Information Center in the manner as the Criminal Justice
12 Information Center Commission shall provide. The Criminal
13 Justice Information Center shall as soon as possible
14 thereafter enter the order in the National Instant Criminal
15 Background Check System (NICS) and the information shall be
16 entered into the NICS Index Denied Persons File. The records
17 maintained pursuant to this section shall only be used for
18 purposes of determining eligibility to purchase or transfer a
19 firearm. Information furnished shall not include confidential
20 medical or treatment records, confidential tax or financial
21 data, library records, or other personal information.

22 "(b) When any individual who has been committed is
23 released from commitment, the person may petition the ~~judge of~~
24 ~~probate~~ circuit court for a review of the person's mental
25 capacity to purchase a firearm. After review, the ~~judge of~~
26 ~~probate~~ circuit court may enter an order finding that the
27 person is not subject to a mental infirmity requiring a

1 limitation on the purchase of a firearm. A copy of the order
2 shall be forwarded to the Criminal Justice Information Center
3 directing that the prior order be removed from the ~~Criminal~~
4 ~~Justice Information System~~ its information systems. Thereafter
5 the Criminal Justice Information Center shall, as soon as
6 possible, redact the prior order from the National Instant
7 Criminal Background Check System (NICS) or shall request that
8 ~~said the~~ redaction be done.

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

11 Section 2. To the extent allowed by the Alabama
12 Criminal Justice Information Center Commission, ACJIC may
13 provide a judge of probate access to ACJIC information systems
14 for the purpose of involuntary commitment hearings, petitions
15 to change names, and other official functions of the judge of
16 probate.

17 Section 3. This act shall be known and cited as the
18 Law Enforcement Information Act as a dedication to Sergeant
19 Larry Russell and Officer Anthony Mims of the Athens Police
20 Department and Deputy Scott Ward of the Baldwin County
21 Sheriffs Department.

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

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 05-FEB-13

Read for the second time and placed on the calen-
dar 3 amendments..... 14-FEB-13

Read for the third time and passed as amended 11-APR-13

Yeas 23
Nays 0
Abstaining 1

Patrick Harris
Secretary