

SB158 ENROLLED



1 F08755-2
2 By Senator Elliott
3 RFD: Judiciary
4 First Read: 04-Apr-23
5 2023 Regular Session



SB158 Enrolled

1 Enrolled, An Act,

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4 Relating to the state firearms prohibited person
5 database; to amend Section 22-52-10.1, Code of Alabama 1975,
6 to require the judge of probate to report an order, or any
7 modification to a previous order, of involuntary commitment to
8 the Alabama State Law Enforcement Agency; to require circuit
9 judges to report any order of involuntary commitment to the
10 Alabama State Law Enforcement Agency; and to require the
11 Alabama State Law Enforcement Agency to enter an order, or any
12 modification to a previous order, for involuntary commitment
13 received by a judge of probate or a circuit judge, for entry
14 into the database.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 22-52-10.1, Code of Alabama 1975, is
17 amended to read as follows:

18 "§22-52-10.1

19 (a) If at the final hearing on a petition seeking to
20 involuntarily commit a respondent, the ~~probate judge~~judge of
21 probate finds, based on clear and convincing evidence, that
22 the respondent meets the criteria for involuntary commitment,
23 an order shall be entered for either of the following:

24 (1) Outpatient treatment; ~~or~~.

25 (2) Inpatient treatment.

26 (b) The least restrictive alternative necessary and
27 available for the treatment of the respondent's mental illness
28 shall be ordered.



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29 ~~(b)~~ (c) The petition for involuntary commitment shall be
30 dismissed if the criteria for commitment is not proved.

31 ~~(e)~~ (d) (1) The judge shall immediately report an order
32 for ~~inpatient treatment~~ involuntary commitment to the Alabama
33 State Law Enforcement Agency, in a manner prescribed by the
34 Alabama Justice Information Commission, for entry into the
35 state firearms prohibited person database and the National
36 Instant Criminal Background Check (NICS) system.

37 (2) The judge shall report to the Alabama State Law
38 Enforcement Agency, in a method determined by the commission,
39 updates to any order for ~~inpatient treatment which~~ involuntary
40 commitment that was previously forwarded to the Alabama State
41 Law Enforcement Agency under this section, including notice of
42 any reversal of petition or appeal."

43 Section 2. If a circuit judge enters an order for
44 involuntary commitment pursuant to Section 15-16-20, Code of
45 Alabama 1975, or any other provision of law, he or she shall
46 immediately report the order to the Alabama State Law
47 Enforcement Agency, in a manner prescribed by the agency, for
48 entry into the state firearms prohibited person database and
49 the National Instant Criminal Background Check (NICS) system.

50 Section 3. The Alabama State Law Enforcement Agency
51 shall enter an order for involuntary commitment received by a
52 judge of probate, pursuant to Section 22-52-10.1, Code of
53 Alabama 1975, or by a circuit judge pursuant to Section 2,
54 into the state firearms prohibited person database, created
55 pursuant to Section 41-27-3.3, Code of Alabama 1975, and shall
56 ensure that the notice is viewable by law enforcement officers



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57 and other authorized persons through the Law Enforcement
58 Tactical System.

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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB158

Senate 11-May-23

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 01-Jun-23

Senate concurred in House amendment 01-Jun-23

By: Senator Elliott