

**SB158 INTRODUCED**



1 F08755-1  
2 By Senator Elliott  
3 RFD: Judiciary  
4 First Read: 04-Apr-23  
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SYNOPSIS:

Under existing law, a judge of probate is required to notify the Alabama State Law Enforcement Agency when an individual has been ordered for inpatient treatment and of any updates to any order previously issued.

This bill would require the judge of probate to notify the Alabama State Law Enforcement Agency when an individual is involuntarily committed to either inpatient or outpatient treatment, and of any updates to any order previously issued.

Under existing law, upon receiving notice of a court order that would prohibit an individual from possessing a pistol or firearm under state or federal law, the Alabama State Law Enforcement Agency must enter the information into the state firearms prohibited person database and ensure that a "Firearms Prohibited Person" notice is viewable by law enforcement officers and other authorized persons through the Law Enforcement Tactical System.

This bill would also require the Alabama State Law Enforcement Agency to enter into the state firearms prohibited person database any court order received from a judge of probate ordering an individual be involuntarily committed.



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to the state firearms prohibited person database; to amend Section 22-52-10.1, Code of Alabama 1975, to require the judge of probate to report an order, or any modification to a previous order, of involuntary commitment to the Alabama State Law Enforcement Agency; and to require the Alabama State Law Enforcement Agency to enter an order, or any modification to a previous order, for involuntary commitment received by a judge of probate.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§22-52-10.1

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

- (1) Outpatient treatment; ~~or~~.
- (2) Inpatient treatment.

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



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

59           ~~(e)~~ (d) (1) The judge shall immediately report an order  
60 for ~~inpatient treatment~~ involuntary commitment to the Alabama  
61 State Law Enforcement Agency, in a manner prescribed by the  
62 Alabama Justice Information Commission, for entry into the  
63 state firearms prohibited person database and the National  
64 Instant Criminal Background Check (NICCS) system.

65           (2) The judge shall report to the Alabama State Law  
66 Enforcement Agency, in a method determined by the commission,  
67 updates to any order for ~~inpatient treatment which~~ involuntary  
68 commitment that was previously forwarded to the Alabama State  
69 Law Enforcement Agency under this section, including notice of  
70 any reversal of petition or appeal."

71           Section 2. The Alabama State Law Enforcement Agency  
72 shall enter an order for involuntary commitment received by a  
73 judge of probate, pursuant to Section 22-52-10.1, Code of  
74 Alabama 1975, into the state firearms prohibited person  
75 database, created pursuant to Section 41-27-3.3, Code of  
76 Alabama 1975, and shall ensure that the notice is viewable by  
77 law enforcement officers and other authorized persons through  
78 the Law Enforcement Tactical System.

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