

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

1 SB133

2  
3  
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) When any individual who has been committed is  
19 released from commitment, the person may petition the ~~judge of~~  
20 ~~probate~~ circuit court for a review of the person's mental  
21 capacity to purchase a firearm. After review, the ~~judge of~~  
22 ~~probate~~ circuit court may enter an order finding that the  
23 person is not subject to a mental infirmity requiring a  
24 limitation on the purchase of a firearm. A copy of the order  
25 shall be forwarded to the Criminal Justice Information Center

1 directing that the prior order be removed from the ~~Criminal~~  
2 ~~Justice Information System~~ its information systems. Thereafter  
3 the Criminal Justice Information Center shall, as soon as  
4 possible, redact the prior order from the National Instant  
5 Criminal Background Check System (NICS) or shall request that  
6 ~~said the~~ redaction be done.

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB133

Senate 11-APR-13

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

Patrick Harris  
Secretary

---

House of Representatives  
Passed: 07-MAY-13

---

By: Senator Pittman