

1 HB191
2 165134-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 05-MAR-15

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8 SYNOPSIS: Under existing law, a court has authority to
9 place a mentally ill defendant who poses a real and
10 present threat of substantial harm to himself,
11 herself, or to others into the custody of the
12 Commissioner of the Alabama Department of Mental
13 Health or into a public facility as the court may
14 order.

15 This bill would provide that a court may
16 order the Commissioner of the Alabama Department of
17 Mental Health to place a defendant in the Alabama
18 Security Medical Facility and if the court places a
19 defendant in the Alabama Security Medical Facility,
20 the commissioner may not transfer the defendant to
21 another facility without obtaining leave from the
22 court that ordered the placement of the defendant.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 15-16-43 of the Code of Alabama
2 1975, relating to involuntary commitment findings of the
3 court; to provide that a court may order the Commissioner of
4 the Alabama Department of Mental Health to place a defendant
5 in the Alabama Security Medical Facility under certain
6 conditions; and to prohibit the commissioner from transferring
7 a defendant placed by the court in the Alabama Security
8 Medical Facility to another facility without obtaining leave
9 from the court.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 15-16-43 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§15-16-43.

14 "(a) If, at the final hearing, the court finds that
15 the defendant is mentally ill and as a consequence of such
16 mental illness poses a real and present threat of substantial
17 harm to himself or to others, the court shall order the
18 defendant committed to the custody of the Commissioner of the
19 Alabama State Department of Mental Health or to such other
20 public facility as the court may order.

21 "(b) The court may order the Commissioner of the
22 Department of Mental Health to place a defendant who has been
23 found mentally ill pursuant to subsection (a) in the Alabama
24 Security Medical Facility, as provided for in Chapter 54 of
25 Title 22. If the court orders the defendant to be placed in
26 the Alabama Security Medical Facility, the commissioner may
27 not transfer the defendant to another facility, whether or not

1 that facility is under the control of the commissioner,
2 without obtaining leave from the court that ordered the
3 placement of the defendant.

4 "(c) If the court does not make such a finding, then
5 the defendant shall be released from custody forthwith."

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