

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 507

(By Senators Palumbo, Wills, Tucker, Edgell,
Kessler (Mr. President) and Klempa)

[Originating in the Committee on the Judiciary;
reported February 16, 2012.]

A BILL to amend and reenact §27-4-1 and §27-4-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §27-5-4 of said code; and to amend and reenact §61-7A-5 of said code, all relating generally to mental hygiene; authorizing parent or guardian to commit a child without his or her consent when child is under eighteen years of age; clarifying the procedures for previously involuntarily committed persons petitioning to regain the right to possess firearms to enable West Virginia to be eligible for federal funding; and stylistic changes.

Be it enacted by the Legislature of West Virginia:

That §27-4-1 and §27-4-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §27-5-4 of said code be amended and reenacted; and that §61-7A-5 of said code be amended and reenacted, all to read as follows:

CHAPTER 27. MENTALLY ILL PERSONS.

ARTICLE 4. VOLUNTARY HOSPITALIZATION.

§27-4-1. Authority to receive voluntary patients.

1 The chief medical officer of a mental health facility,
2 subject to the availability of suitable accommodations and to
3 the rules ~~and regulations~~ promulgated by the board of
4 health, shall admit for diagnosis, care and treatment any
5 individual:

6 (a) Over eighteen years of age who is mentally ill,
7 mentally retarded or addicted or who has manifested
8 symptoms of mental illness, mental retardation or addiction
9 and who makes application for hospitalization; or

10 (b) Under eighteen years of age who is mentally ill,
11 mentally retarded or addicted or who has manifested
12 symptoms of mental illness, mental retardation or addiction
13 and there is application for hospitalization therefor in his or
14 her behalf:

- 15 (1) By the parents of such person; ~~or~~
16 (2) If only one parent is living, then by such parent; ~~or~~
17 (3) If the parents are living separate and apart, by the
18 parent who has the legal custody of such person; or
19 (4) If there is a guardian who has legal custody of such
20 person, then by such guardian. ~~Such admission shall be~~
21 ~~conditioned upon the consent of the prospective patient if he~~
22 ~~is twelve years of age or over.~~
- 23 (c) No person under eighteen years of age ~~shall~~ may be
24 admitted under this section to any state hospital unless ~~said~~
25 the person has first been reviewed and evaluated by a local
26 mental health facility and recommended for admission.

§27-4-3. Right to release on application.

- 1 A voluntary patient who requests his or her release or
2 whose release is requested in writing by his or her parents,
3 parent, guardian, spouse or adult next of kin shall be
4 released ~~forthwith~~ immediately except that:
- 5 (a) If the patient was admitted on his or her own applica-
6 tion, and request for release is made by a person other than
7 the patient, release shall be conditioned upon the agreement
8 of the patient thereto;
- 9 (b) If the patient is under ~~twelve~~ eighteen years of age,
10 his or her release prior to becoming ~~twelve~~ eighteen years of

11 age may be conditioned upon the consent of the person or
12 persons who applied for his or her admission; or

13 (c) If, within ninety-six hours of the receipt of the
14 request, the chief medical officer of the mental health facility
15 in which the patient is hospitalized files with the clerk of the
16 circuit court or mental hygiene commissioner of the county
17 where the facility is situated an application for involuntary
18 hospitalization as provided in section four, article five of this
19 chapter, release may be postponed for twenty days pending
20 a finding in accordance with the legal proceedings pre-
21 scribed therein.

22 Legal proceedings for involuntary hospitalization shall
23 not be commenced with respect to a voluntary patient unless
24 release of the patient has been requested by him or her or the
25 individual or individuals who applied for his or her admis-
26 sion.

ARTICLE 5. INVOLUNTARY HOSPITALIZATION.

§27-5-4. Institution of final commitment proceedings; hearing requirements; release.

1 (a) *Involuntary commitment.* — Except as provided in
2 section three of this article, no individual may be involun-
3 tarily committed to a mental health facility except by order

4 entered of record at any time by the circuit court of the
5 county in which the person resides or was found, or if the
6 individual is hospitalized in a mental health facility located
7 in a county other than where he or she resides or was found,
8 in the county of the mental health facility and then only after
9 a full hearing on issues relating to the necessity of commit-
10 ting an individual to a mental health facility. ~~Provided, That,~~
11 If the individual objects to the hearing being held in the
12 county where the mental health facility is located, the
13 hearing shall be conducted in the county of the individual's
14 residence.

15 (b) *How final commitment proceedings are commenced.*
16 — Final commitment proceedings for an individual may be
17 commenced by the filing of a written application under oath
18 by an adult person having personal knowledge of the facts of
19 the case. ~~and~~ The certificate or affidavit is ~~hereinafter~~
20 ~~provided with~~ filed with the clerk of the circuit court or
21 mental hygiene commissioner of the county ~~of which~~ where
22 the individual is a resident or where he or she may be found
23 or the county of ~~the~~ a mental health facility if he or she is
24 hospitalized in a mental health facility located in a county
25 other than where he or she resides or may be found. ~~by an~~

26 ~~adult person having personal knowledge of the facts of the~~
27 ~~case.~~

28 (c) *Oath; contents of application; who may inspect*
29 *application; when application cannot be filed. —*

30 (1) The person making the application shall do so under
31 oath.

32 (2) The application shall contain statements by the
33 applicant ~~that he or she believes because of symptoms of~~
34 ~~mental illness or addiction the individual is likely to cause~~
35 ~~serious harm to himself, herself or to others and the grounds~~
36 ~~for the belief, stating in detail the recent overt acts upon~~
37 ~~which the belief is based. that the individual is likely to~~
38 ~~cause serious harm to self or others due to what the applicant~~
39 ~~believes are symptoms of mental illness or addiction. The~~
40 ~~applicant shall state in detail the recent overt acts upon~~
41 ~~which the belief is based.~~

42 (3) The written application, certificate, affidavit and any
43 warrants issued pursuant thereto, including any ~~papers and~~
44 ~~documents related thereto, related documents, filed with any~~
45 ~~a circuit court, or mental hygiene commissioner or desig-~~
46 ~~nated magistrate for the involuntary hospitalization of any~~
47 ~~an individual are not open to inspection by any person other~~

48 than the individual, ~~except upon authorization of~~ unless
49 authorized by the individual or his or her legal representa-
50 tive or by order of the circuit court. ~~and~~ The records may not
51 be published ~~except upon the authorization of~~ unless
52 authorized by the individual or his or her legal representa-
53 tive. Disclosure of these records may, however, be made by
54 the clerk, circuit court, mental hygiene commissioner or
55 designated magistrate to provide notice to the Federal
56 National Instant Criminal Background Check System
57 established pursuant to section 103(d) of the Brady Handgun
58 Violence Prevention Act, 18 U. S. C. §922, and the central
59 state mental health registry, in accordance with article
60 seven-a, chapter sixty-one of this code. Disclosure may also
61 be made to the prosecuting attorney and reviewing court in
62 an action brought by the individual pursuant to section five,
63 article seven-a, chapter sixty-one of this code to regain
64 firearm and ammunition rights.

65 (4) Applications may not be accepted for individuals who
66 only have epilepsy, a mental deficiency or senility.

67 (d) *Certificate filed with application; contents of certifi-*
68 *cate; affidavit by applicant in place of certificate. —*

69 (1) The applicant shall file with his or her application the
70 certificate of a physician or a psychologist stating that in his

71 or her opinion the individual is mentally ill or addicted and
72 that because of the mental illness or addiction the individual
73 is likely to cause serious harm to ~~himself, herself or to self or~~
74 others if ~~he or she~~ is allowed to remain at liberty and,
75 therefore, ~~he or she~~ should be hospitalized. ~~stating.~~ The
76 certificate shall state in detail the recent overt acts ~~upon on~~
77 which the conclusion is based.

78 (2) A certificate is not necessary ~~only~~ when an affidavit
79 is filed by the applicant showing facts and the individual has
80 refused to submit to examination by a physician or a psy-
81 chologist.

82 (e) *Notice requirements; eight days' notice required.* —
83 Upon receipt of an application, the mental hygiene commis-
84 sioner or circuit court shall review the application and if it
85 is determined that the facts alleged, if any, are sufficient to
86 warrant involuntary hospitalization, forthwith fix a date for
87 and have the clerk of the circuit court give notice of the
88 hearing:

89 (1) To the individual;

90 (2) To the applicant or applicants;

91 (3) To the individual's spouse, one of the parents or
92 guardians, or, if the individual does not have a spouse,

93 parents or parent or guardian, to one of the individual's
94 adult next of kin if the next of kin is not the applicant;

95 (4) To the mental health authorities serving the area;

96 (5) To the circuit court in the county of the individual's
97 residence if the hearing is to be held in a county other than
98 that of the individual's residence; and

99 (6) To the prosecuting attorney of the county in which the
100 hearing is to be held.

101 (f) The notice shall be served on the individual by
102 personal service of process not less than eight days prior to
103 the date of the hearing and shall specify:

104 (1) The nature of the charges against the individual;

105 (2) The facts underlying and supporting the application
106 of involuntary commitment;

107 (3) The right to have counsel appointed;

108 (4) The right to consult with and be represented by
109 counsel at every stage of the proceedings; and

110 (5) The time and place of the hearing.

111 The notice to the individual's spouse, parents or parent
112 or guardian, the individual's adult next of kin or to the
113 circuit court in the county of the individual's residence may
114 be by personal service of process or by certified or registered

115 mail, return receipt requested, and shall state the time and
116 place of the hearing.

117 (†) (g) *Examination of individual by court-appointed*
118 *physician or psychologist; custody for examination; dismissal*
119 *of proceedings. —*

120 (1) Except as provided in subdivision (3) of this subsec-
121 tion, within a reasonable time after notice of the commence-
122 ment of final commitment proceedings is given, the circuit
123 court or mental hygiene commissioner shall appoint a
124 physician or psychologist to examine the individual and
125 report to the circuit court or mental hygiene commissioner
126 his or her findings as to the mental condition or addiction of
127 the individual and the likelihood of ~~him or her~~ causing
128 serious harm to ~~himself, herself or to~~ self or others.

129 (2) If the designated physician or psychologist reports to
130 the circuit court or mental hygiene commissioner that the
131 individual has refused to submit to an examination, the
132 circuit court or mental hygiene commissioner shall order him
133 or her to submit to the examination. The circuit court or
134 mental hygiene commissioner may direct that the individual
135 be detained or taken into custody for the purpose of an
136 immediate examination by the designated physician or

137 psychologist. All such orders shall be directed to the sheriff
138 of the county or other appropriate law-enforcement officer.
139 After the examination has been completed, the individual
140 shall be released from custody unless proceedings are
141 instituted pursuant to section three of this article.

142 (3) If the reports of the appointed physician or psycholo-
143 gist do not confirm that the individual is mentally ill or
144 addicted and might be harmful to ~~himself, herself or to self~~
145 or others, then the proceedings for involuntary hospitaliza-
146 tion shall be dismissed.

147 ~~(g)~~ (h) *Rights of the individual at the final commitment*
148 *hearing; seven days' notice to counsel required. —*

149 (1) The individual shall be present at the final commit-
150 ment hearing and he or she, the applicant and all persons
151 entitled to notice of the hearing shall be afforded an oppor-
152 tunity to testify and to present and cross examine witnesses.

153 (2) In the event ~~that~~ the individual has not retained
154 counsel, the court or mental hygiene commissioner, at least
155 six days prior to hearing, shall appoint a competent attorney
156 and shall inform the individual of the name, address and
157 telephone number of his or her appointed counsel.

158 (3) The individual has the right to have an examination
159 by an independent expert of his or her choice and to present

160 testimony from the expert as a medical witness on his or her
161 behalf. The cost of the independent expert ~~shall be borne~~ is
162 paid by the individual unless he or she is indigent.

163 (4) The individual may not be compelled to be a witness
164 against himself or herself.

165 ~~(h)~~ (i) *Duties of counsel representing individual; payment*
166 *of counsel representing indigent. -*

167 (1) ~~The~~ Counsel representing an individual shall conduct
168 a timely interview, make investigation and secure appropri-
169 ate witnesses, ~~and shall~~ be present at the hearing and protect
170 the ~~interest~~ interests of the individual.

171 (2) ~~Any~~ Counsel representing an individual is entitled to
172 copies of all medical reports, psychiatric or otherwise.

173 (3) The circuit court, by order of record, may allow the
174 attorney a reasonable fee not to exceed the amount allowed
175 for attorneys in defense of needy persons as provided in
176 article twenty-one, chapter twenty-nine of this code.

177 ~~(h)~~ (j) *Conduct of hearing; receipt of evidence; no eviden-*
178 *tiary privilege; record of hearing. -*

179 (1) The circuit court or mental hygiene commissioner
180 shall hear evidence from all interested parties in chamber
181 including testimony from representatives of the community
182 mental health facility.

183 (2) The circuit court or mental hygiene commissioner
184 shall receive all relevant and material evidence which may
185 be offered.

186 (3) The circuit court or mental hygiene commissioner is
187 bound by the rules of evidence promulgated by the Supreme
188 Court of Appeals except that statements made to physicians
189 or psychologists by the individual may be admitted into
190 evidence by the physician's or psychologist's testimony,
191 notwithstanding failure to inform the individual that this
192 statement may be used against him or her. ~~Any~~ A psycholo-
193 gist or physician testifying shall bring all records pertaining
194 to the individual to the hearing. The medical evidence
195 obtained pursuant to an examination under this section, or
196 section two or three of this article, is not privileged informa-
197 tion for purposes of a hearing pursuant to this section.

198 (4) All final commitment proceedings shall be reported or
199 recorded, whether before the circuit court or mental hygiene
200 commissioner, and a transcript shall be made available to the
201 individual, his or her counsel or the prosecuting attorney
202 within thirty days if it is requested for the purpose of further
203 proceedings. In any case where an indigent person intends to
204 pursue further proceedings, the circuit court shall, by order

205 entered of record, authorize and direct the court reporter to
206 furnish a transcript of the hearings.

207 ~~(j)~~ (k) *Requisite findings by the court.* —

208 (1) Upon completion of the final commitment hearing
209 and the evidence presented in the hearing, the circuit court
210 or mental hygiene commissioner shall make findings as to
211 the following:

212 (A) Whether ~~or not~~ the individual is mentally ill or
213 addicted;
214 ~~and,~~

215 (B) Whether, because of illness or addiction, ~~is the~~
216 individual is likely to cause serious harm to ~~himself, herself~~
217 ~~or to~~ self or others if allowed to remain at liberty; ~~and~~

218 (C) Whether the individual is a resident of the county in
219 which the hearing is held or currently is a patient at a mental
220 health facility in the county; and

221 ~~(2) The circuit court or mental hygiene commissioner~~
222 ~~shall also make a finding as to whether or not~~ (D) Whether
223 there is a less restrictive alternative than commitment
224 appropriate for the individual. The burden of proof of the
225 lack of a less restrictive alternative than commitment is on
226 the person or persons seeking the commitment of the individ-
227 ual.

228 ~~(3)~~ (2) The findings of fact shall be incorporated into the
229 order entered by the circuit court and must be based upon
230 clear, cogent and convincing proof.

231 ~~(1)~~ (1) *Orders issued pursuant to final commitment*
232 *hearing; entry of order; change in order of court; expiration*
233 *of order. —*

234 (1) Upon the requisite findings, the circuit court may
235 order the individual to a mental health facility for an
236 indeterminate period or for a temporary observatory period
237 not exceeding six months.

238 (2) The individual may not be detained in a mental health
239 facility for a period in excess of ten days after a final
240 commitment hearing pursuant to this section unless an order
241 has been entered and received by the facility.

242 (3) If the order pursuant to a final commitment hearing
243 is for a temporary observation period, the circuit court or
244 mental hygiene commissioner may, at any time prior to the
245 expiration of such period on the basis of a report by the chief
246 medical officer of the mental health facility in which the
247 patient is confined, hold another hearing pursuant to the
248 terms of this section and in the same manner as the hearing
249 was held as if it were an original petition for involuntary

250 hospitalization to determine whether the original order for
251 a temporary observation period should be modified or
252 changed to an order of indeterminate hospitalization of the
253 patient. At the conclusion of the hearing, the circuit court
254 shall order indeterminate hospitalization of the patient or
255 dismissal of the proceedings.

256 (4) An order for an indeterminate period expires of its
257 own terms at the expiration of two years from the date of the
258 last order of commitment unless prior to the expiration the
259 Department of Health and Human Resources, upon findings
260 based on an examination of the patient by a physician or a
261 psychologist, extends the order for indeterminate hospital-
262 ization. ~~Provided, That~~ If the patient or his or her counsel
263 requests a hearing, ~~then~~ a hearing shall be held by the
264 mental hygiene commissioner or by the circuit court of the
265 county as provided in subsection (a) of this section.

266 (†) (m) *Dismissal of proceedings.* — If the circuit court or
267 mental hygiene commissioner finds that the individual is not
268 mentally ill or addicted, the proceedings shall be dismissed.
269 If the circuit court or mental hygiene commissioner finds
270 that the individual is mentally ill or addicted but is not,
271 because of the illness or addiction, likely to cause serious

272 harm to ~~himself, herself or to self or~~ self or others if allowed to
 273 remain at liberty, the proceedings shall be dismissed.

274 ~~(m)~~ (n) *Immediate notification of order of hospitalization.*

275 — The clerk of the circuit court in which an order directing
 276 hospitalization is entered, if not in the county of the individ-
 277 ual's residence, shall immediately upon entry of the order
 278 forward a certified copy of the order to the clerk of the
 279 circuit court of the county of which the individual is a resident.

280 ~~(n)~~ (o) *Consideration of transcript by circuit court of*
 281 *county of individual's residence; order of hospitalization;*
 282 *execution of order. —*

283 (1) If the circuit court or mental hygiene commissioner is
 284 satisfied that hospitalization should be ordered but finds
 285 that the individual is not a resident of the county in which
 286 the hearing is held and the individual is not currently a
 287 resident of a mental health facility, a transcript of the
 288 evidence adduced at the final commitment hearing of the
 289 individual, certified by the clerk of the circuit court, shall
 290 forthwith be forwarded to the clerk of the circuit court of the
 291 county of which the individual is a resident. ~~who~~ The clerk
 292 shall immediately present the transcript to the circuit court
 293 or mental hygiene commissioner of the county.

294 (2) If the circuit court or mental hygiene commissioner of
295 the county of the residence of the individual is satisfied from
296 the evidence contained in the transcript that the individual
297 should be hospitalized as determined by the standard set
298 forth above, the circuit court shall order the appropriate
299 hospitalization as though the individual had been brought
300 before the circuit court or its mental hygiene commissioner
301 in the first instance.

302 (3) This order shall be transmitted forthwith to the clerk
303 of the circuit court of the county in which the hearing was
304 held who shall execute the order promptly.

305 ~~(p)~~ (p) *Order of custody to responsible person.* — In lieu
306 of ordering the patient to a mental health facility, the circuit
307 court may order the individual delivered to some responsible
308 person who will agree to take care of the individual and the
309 circuit court may take from the responsible person a bond in
310 an amount to be determined by the circuit court with
311 condition to restrain and take proper care of the individual
312 until further order of the court.

313 ~~(p)~~ (q) *Individual not a resident of this state.* — If the
314 individual found to be mentally ill or addicted by the circuit
315 court or mental hygiene commissioner is a resident of

316 another state, this information shall be forthwith given to
317 the Secretary of the Department of Health and Human
318 Resources, or to his or her designee, who shall make appro-
319 priate arrangements for transfer of the individual to the state
320 of his or her residence conditioned on the agreement of the
321 individual except as qualified by the interstate compact on
322 mental health.

323 ~~(e)~~ (r) *Report to the Secretary of the Department of*
324 *Health and Human Resources. —*

325 (1) The chief medical officer of a mental health facility
326 admitting a patient pursuant to proceedings under this
327 section shall forthwith make a report of the admission to the
328 Secretary of the Department of Health and Human Resources
329 or to his or her designee.

330 (2) Whenever an individual is released from custody due
331 to the failure of an employee of a mental health facility to
332 comply with the time requirements of this article, the chief
333 medical officer of the mental health facility shall forthwith,
334 after the release of the individual, make a report to the
335 Secretary of the Department of Health and Human Resources
336 or to his or her designee of the failure to comply.

337 (†) (s) *Payment of some expenses by the state; mental*
338 *hygiene fund established; expenses paid by the county*
339 *commission. —*

340 (1) The state shall pay the commissioner's fee and the
341 court reporter fees that are not paid and reimbursed under
342 article twenty-one, chapter twenty-nine of this code out of a
343 special fund to be established within the Supreme Court of
344 Appeals to be known as the Mental Hygiene Fund.

345 (2) The county commission shall pay out of the county
346 treasury all other expenses incurred in the hearings con-
347 ducted under the provisions of this article whether or not
348 hospitalization is ordered, including any fee allowed by the
349 circuit court by order entered of record for any physician,
350 psychologist and witness called by the indigent individual.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7A. STATE MENTAL HEALTH REGISTRY; REPORTING OF PERSONS' PROSCRIBED FROM FIREARM POSSES- SION DUE TO MENTAL CONDITION TO THE NA- TIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; LEGISLATIVE FINDINGS; DEFINI- TIONS; REPORTING REQUIREMENTS; REINSTATE- MENT OF RIGHTS PROCEDURES.

§61-7A-5. Petition to regain right to possess firearms.

1 (a) Any person who is prohibited from possessing a
2 firearm pursuant to the provisions of section seven, article
3 seven of this chapter or by provisions of federal law by virtue
4 solely of having previously been adjudicated to be mentally
5 defective or to having a prior involuntary commitment to a
6 mental institution pursuant to chapter twenty-seven of this
7 code may petition the circuit court of the county of his or her
8 residence to regain the ability to lawfully possess a firearm.
9 Petitioners prohibited from possession of firearms due to a
10 mental health disability must include the following in the
11 petition for relief from disability:

12 (1) A listing of facilities and location addresses of all
13 prior mental health treatment received by petitioner;

14 (2) An authorization signed by the petitioner for release
15 of mental health records to the prosecuting attorney of the
16 county; and

17 (3) A verified certificate of mental health examination by
18 a licensed psychologist or psychiatrist occurring within
19 thirty days prior to filing of the petition which supports that
20 the petitioner is competent and not likely to act in a manner
21 dangerous to public safety.

22 (b) The court may only consider petitions for relief due to
23 mental health adjudications or commitments that occurred

24 in this state and only give the relief specifically requested in
25 the petition. In determining whether to grant the petition,
26 the court shall receive and consider, at a minimum:

27 (1) Evidence concerning the circumstances regarding the
28 firearms disabilities imposed by 18 U. S. C. § 922(g)(4);

29 (2) The petitioner's record which must include the
30 petitioner's mental health and criminal history records; and

31 (3) The petitioner's reputation developed through
32 character witness statements, testimony or other character
33 evidence.

34 (c) The court may enter an order allowing the petitioner
35 to possess a firearm if the court finds by clear and convincing
36 evidence that:

37 (1) The person is competent and capable of exercising the
38 responsibilities concomitant with the possession of a firearm;

39 (2) The person will not be likely to act in a manner
40 dangerous to public safety; and

41 (3) Granting the relief will not be contrary to public
42 interest. ~~the court may enter an order allowing the petitioner~~
43 ~~to possess a firearm.~~

44 (d) If the order denies petitioner's ability to possess a
45 firearm, the petitioner may appeal the denial, which appeal

46 is to include the record of the circuit court rendering the
47 decision.

48 (e) All proceedings for relief to regain firearm or ammu-
49 munition rights shall be reported or recorded and maintained
50 for review.

51 (f) It shall be the duty of the prosecuting attorney or one
52 of his or her assistants to represent the state in all proceed-
53 ings for relief to regain firearm rights and provide the court
54 the petitioner's criminal history records.

55 (g) The written petition, certificate, mental health or
56 substance abuse treatment records and any papers or
57 documents containing substance abuse or mental health
58 information of the petitioner, filed with the circuit court, are
59 confidential. These are not open to inspection by any person
60 other than by court order, by the individual and his or her
61 counsel, or upon the written authorization of the person or
62 his or her counsel, and the prosecuting attorney for purposes
63 of representing the state in these proceedings exclusively.
64 These records may not be published unless by written
65 authorization of the petitioner or his or her counsel.

66 ~~(b)~~ (h) The circuit clerk of each county shall provide the
67 Superintendent of the West Virginia State Police or his or

68 her designee and the Administrator of the West Virginia
69 Supreme Court of Appeals, or his or her designee, with a
70 certified copy of any order entered pursuant to the provisions
71 of this section which removes a petitioner's prohibition to
72 possess firearms. If the order restores the petitioner's ability
73 to possess a firearm, petitioner's name shall be promptly
74 removed from the central state mental health registry and
75 the superintendent or administrator shall forthwith inform
76 the Federal Bureau of Investigation, the United States
77 Attorney General or other federal entity operating the
78 National Instant Criminal Background Check System of the
79 court action.

(NOTE: This bill is by request of the Supreme Court of Appeals. The purpose of this bill is to amend the code relating to the ability of certain individuals to petition a court to regain the right to possess firearms so that West Virginia can become eligible for federal funding and to authorize parents or guardians to commit children age twelve or older to mental health hospitalization without the child's consent.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)