

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 507**

5 (SENATORS PALUMBO, WILLS, TUCKER, EDGELL, KESSLER (MR. PRESIDENT) AND
6 KLEMPA, *original sponsors*)

7 _____
8 [Passed March 10, 2012; in effect ninety days from passage.]
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13 AN ACT to amend and reenact §27-4-1 and §27-4-3 of the Code of West
14 Virginia, 1931, as amended; to amend and reenact §27-5-4 of
15 said code; and to amend and reenact §61-7A-5 of said code, all
16 relating generally to mental health; relating to the voluntary
17 hospitalization at mental health facilities; relating to the
18 voluntary admission of minors into a mental health facility
19 for mental illness, intellectual disability or addiction;
20 removing the requirement that the minor's consent be secured
21 before they are voluntarily admitted to a mental health
22 facility if the minor is twelve years of age or older;
23 requiring the consent of an emancipated minor before he or she
24 is voluntarily committed; standards and procedures for

1 releasing a minor who is fourteen years of age or older from
2 voluntary hospitalization, when the minor objects to the
3 admission or treatment; standards and procedures for the
4 releasing a minor from voluntary hospitalization when the
5 adult who sponsored the admission withdraws his or her
6 consent; clarifying that the state is not obligated to pay for
7 voluntary hospitalization; relating to the involuntary
8 hospitalization into state mental health facilities;
9 allocation and recapturing of copying and mailing costs
10 associated with notice and orders for final commitment hearing
11 and final order from counties; standards and requirements for
12 the maintenance of mental health registry; prohibitions
13 against persons adjudicated or committed as dangerous from
14 possessing or carrying firearms; petitions for relief from
15 prohibition to carry firearms; application to a court;
16 limiting court's consideration of petitions to cases where
17 mental health adjudications or commitments occurred in this
18 state; specifying minimum information which must be contained
19 in such petitions; standards of review; applicable factors to
20 be considered by court; required findings which must be made
21 before petition for relief may be granted; right of appeal;
22 reporting requirements; and requiring confidential treatment
23 for certain submitted information.

24 *Be it enacted by the Legislature of West Virginia:*

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

5 **CHAPTER 27. MENTALLY ILL PERSONS.**

6 **ARTICLE 4. VOLUNTARY HOSPITALIZATION.**

7 **§27-4-1. Authority to receive voluntary patients.**

8 The chief medical officer of a mental health facility, subject
9 to the availability of suitable accommodations and to the rules
10 promulgated by the board of health, shall admit for diagnosis, care
11 and treatment any individual:

12 (a) Over eighteen years of age who is mentally ill,
13 intellectually disabled or addicted or who has manifested symptoms
14 of mental illness, intellectual disability or addiction and who
15 makes application for hospitalization; or

16 (b) Under eighteen years of age who is mentally ill,
17 intellectually disabled or addicted or who has manifested symptoms
18 of mental illness, intellectual disability or addiction and there
19 is application for hospitalization therefor in his or her behalf:

20 (1) By the parents of such person;

21 (2) If only one parent is living, then by such parent;

22 (3) If the parents are living separate and apart, by the
23 parent who has the custody of such person; or

24 (4) If there is a guardian who has legal custody of such

1 person, then by such guardian.

2 (5) If the subject person under eighteen years of age is an
3 emancipated minor, the admission of that person as a voluntary
4 patient shall be conditioned upon the consent of the patient.

5 (c) No person under eighteen years of age may be admitted
6 under this section to any state hospital unless person has first
7 been reviewed and evaluated by a local mental health facility and
8 recommended for admission.

9 (d) If the candidate for voluntary admission is a minor who is
10 fourteen years of age or older, the admitting health care facility
11 shall determine if the minor consents to or objects to his or her
12 admission to the facility. If the parent or guardian who requested
13 the minor's admission under this section revokes his or her consent
14 at any time, or if the minor fourteen years of age or older objects
15 at any time to his or her further treatment, the minor shall be
16 discharged within ninety-six hours to the custody of the consenting
17 parent or guardian, unless the chief medical officer of the mental
18 health facility files a petition for involuntary hospitalization,
19 pursuant to the provisions of section three of this article, or the
20 minor's continued hospitalization is authorized as an involuntary
21 hospitalization pursuant to the provisions of article five of this
22 chapter: *Provided, That, if the ninety-six hour time period would*
23 *result in the minor being discharged and released on a Saturday, a*
24 *Sunday or a holiday on which the court is closed, the period of*

1 time in which the patient shall be released by the facility shall
2 be extended until the next day which is not a Saturday, Sunday or
3 legal holiday on which the court is lawfully closed.

4 (e) Nothing in this section may be construed to obligate the
5 State of West Virginia for costs of voluntary hospitalizations
6 permitted by the provisions of this section.

7 **§27-4-3. Right to release on application.**

8 A voluntary patient who requests his or her release or whose
9 release is requested in writing by his or her parents, parent,
10 guardian, spouse or adult next of kin shall be released immediately
11 except that:

12 (a) If the patient was admitted on his or her own application,
13 and request for release is made by a person other than the patient,
14 release shall be conditioned upon the agreement of the patient
15 thereto;

16 (b) If the patient is under eighteen years of age, his or her
17 release prior to becoming eighteen years of age may be conditioned
18 upon the consent of the person or persons who applied for his or
19 her admission; or

20 (c) If, within ninety-six hours of the receipt of the request,
21 the chief medical officer of the mental health facility in which
22 the patient is hospitalized files with the clerk of the circuit
23 court or mental hygiene commissioner of the county where the
24 facility is situated an application for involuntary hospitalization

1 as provided in section four, article five of this chapter, release
2 may be postponed for twenty days pending a finding in accordance
3 with the legal proceedings prescribed therein.

4 Legal proceedings for involuntary hospitalization shall not be
5 commenced with respect to a voluntary patient unless release of the
6 patient has been requested by him or her or the individual or
7 individuals who applied for his or her admission.

8 **ARTICLE 5. INVOLUNTARY HOSPITALIZATION.**

9 **§27-5-4. Institution of final commitment proceedings; hearing**
10 **requirements; release.**

11 (a) *Involuntary commitment.* -- Except as provided in section
12 three of this article, no individual may be involuntarily committed
13 to a mental health facility except by order entered of record at
14 any time by the circuit court of the county in which the person
15 resides or was found, or if the individual is hospitalized in a
16 mental health facility located in a county other than where he or
17 she resides or was found, in the county of the mental health
18 facility and then only after a full hearing on issues relating to
19 the necessity of committing an individual to a mental health
20 facility. If the individual objects to the hearing being held in
21 the county where the mental health facility is located, the hearing
22 shall be conducted in the county of the individual's residence.

23 (b) *How final commitment proceedings are commenced.* -- Final
24 commitment proceedings for an individual may be commenced by the

1 filing of a written application under oath by an adult person
2 having personal knowledge of the facts of the case. The
3 certificate or affidavit is filed with the clerk of the circuit
4 court or mental hygiene commissioner of the county where the
5 individual is a resident or where he or she may be found or the
6 county of a mental health facility if he or she is hospitalized in
7 a mental health facility located in a county other than where he or
8 she resides or may be found.

9 (c) *Oath; contents of application; who may inspect*
10 *application; when application cannot be filed. --*

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

12 (2) The application shall contain statements by the applicant
13 that the individual is likely to cause serious harm to self or
14 others due to what the applicant believes are symptoms of mental
15 illness or addiction. The applicant shall state in detail the
16 recent overt acts upon which the belief is based. (3) The

17 written application, certificate, affidavit and any warrants issued
18 pursuant thereto, including any related documents, filed with a
19 circuit court, mental hygiene commissioner or designated magistrate
20 for the involuntary hospitalization of an individual are not open
21 to inspection by any person other than the individual, unless
22 authorized by the individual or his or her legal representative or
23 by order of the circuit court. The records may not be published
24 unless authorized by the individual or his or her legal

1 representative. Disclosure of these records may, however, be made
2 by the clerk, circuit court, mental hygiene commissioner or
3 designated magistrate to provide notice to the Federal National
4 Instant Criminal Background Check System established pursuant to
5 Section 103(d) of the Brady Handgun Violence Prevention Act, 18
6 U.S.C. §922, and the central state mental health registry, in
7 accordance with article seven-a, chapter sixty-one of this code.
8 Disclosure may also be made to the prosecuting attorney and
9 reviewing court in an action brought by the individual pursuant to
10 section five, article seven-a, chapter sixty-one of this code to
11 regain firearm and ammunition rights.

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

14 (d) *Certificate filed with application; contents of*
15 *certificate; affidavit by applicant in place of certificate. --*

16 (1) The applicant shall file with his or her application the
17 certificate of a physician or a psychologist stating that in his or
18 her opinion the individual is mentally ill or addicted and that
19 because of the mental illness or addiction, the individual is
20 likely to cause serious harm to self or others if allowed to remain
21 at liberty and, therefore, should be hospitalized. The certificate
22 shall state in detail the recent overt acts on which the conclusion
23 is based.

24 (2) A certificate is not necessary when an affidavit is filed

1 by the applicant showing facts and the individual has refused to
2 submit to examination by a physician or a psychologist.

3 (e) *Notice requirements; eight days notice required.* -- Upon
4 receipt of an application, the mental hygiene commissioner or
5 circuit court shall review the application and if it is determined
6 that the facts alleged, if any, are sufficient to warrant
7 involuntary hospitalization, forthwith fix a date for and have the
8 clerk of the circuit court give notice of the hearing:

9 (1) To the individual;

10 (2) To the applicant or applicants;

11 (3) To the individual's spouse, one of the parents or
12 guardians, or, if the individual does not have a spouse, parents or
13 parent or guardian, to one of the individual's adult next of kin if
14 the next of kin is not the applicant;

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

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

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

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

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

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

3 (3) The right to have counsel appointed;

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

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

7 The notice to the individual's spouse, parents or parent or
8 guardian, the individual's adult next of kin or to the circuit
9 court in the county of the individual's residence may be by
10 personal service of process or by certified or registered mail,
11 return receipt requested, and shall state the time and place of the
12 hearing.

13 (g) *Examination of individual by court-appointed physician or*
14 *psychologist; custody for examination; dismissal of proceedings.*

15 --

16 (1) Except as provided in subdivision (3) of this subsection,
17 within a reasonable time after notice of the commencement of final
18 commitment proceedings is given, the circuit court or mental
19 hygiene commissioner shall appoint a physician or psychologist to
20 examine the individual and report to the circuit court or mental
21 hygiene commissioner his or her findings as to the mental condition
22 or addiction of the individual and the likelihood of causing
23 serious harm to self or others.

24 (2) If the designated physician or psychologist reports to the

1 circuit court or mental hygiene commissioner that the individual
2 has refused to submit to an examination, the circuit court or
3 mental hygiene commissioner shall order him or her to submit to the
4 examination. The circuit court or mental hygiene commissioner may
5 direct that the individual be detained or taken into custody for
6 the purpose of an immediate examination by the designated physician
7 or psychologist. All such orders shall be directed to the sheriff
8 of the county or other appropriate law-enforcement officer. After
9 the examination has been completed, the individual shall be
10 released from custody unless proceedings are instituted pursuant to
11 section three of this article.

12 (3) If the reports of the appointed physician or psychologist
13 do not confirm that the individual is mentally ill or addicted and
14 might be harmful to self or others, then the proceedings for
15 involuntary hospitalization shall be dismissed.

16 (h) *Rights of the individual at the final commitment hearing;*
17 *seven days' notice to counsel required. --*

18 (1) The individual shall be present at the final commitment
19 hearing and he or she, the applicant and all persons entitled to
20 notice of the hearing shall be afforded an opportunity to testify
21 and to present and cross-examine witnesses.

22 (2) In the event the individual has not retained counsel, the
23 court or mental hygiene commissioner, at least six days prior to
24 hearing, shall appoint a competent attorney and shall inform the

1 individual of the name, address and telephone number of his or her
2 appointed counsel.

3 (3) The individual has the right to have an examination by an
4 independent expert of his or her choice and to present testimony
5 from the expert as a medical witness on his or her behalf. The
6 cost of the independent expert is paid by the individual unless he
7 or she is indigent.

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

10 (i) *Duties of counsel representing individual; payment of*
11 *counsel representing indigent. -*

12 (1) Counsel representing an individual shall conduct a timely
13 interview, make investigation and secure appropriate witnesses, be
14 present at the hearing and protect the interests of the individual.

15 (2) Counsel representing an individual is entitled to copies
16 of all medical reports, psychiatric or otherwise.

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

21 (j) *Conduct of hearing; receipt of evidence; no evidentiary*
22 *privilege; record of hearing. --*

23 (1) The circuit court or mental hygiene commissioner shall
24 hear evidence from all interested parties in chamber including

1 testimony from representatives of the community mental health facility.

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

4 (3) The circuit court or mental hygiene commissioner is bound
5 by the rules of evidence promulgated by the Supreme Court of
6 Appeals except that statements made to physicians or psychologists
7 by the individual may be admitted into evidence by the physician's
8 or psychologist's testimony, notwithstanding failure to inform the
9 individual that this statement may be used against him or her. A
10 psychologist or physician testifying shall bring all records
11 pertaining to the individual to the hearing. The medical evidence
12 obtained pursuant to an examination under this section, or section
13 two or three of this article, is not privileged information for
14 purposes of a hearing pursuant to this section.

15 (4) All final commitment proceedings shall be reported or
16 recorded, whether before the circuit court or mental hygiene
17 commissioner, and a transcript made available to the individual,
18 his or her counsel or the prosecuting attorney within thirty days
19 if requested for the purpose of further proceedings. In any case
20 where an indigent person intends to pursue further proceedings, the
21 circuit court shall, by order entered of record, authorize and
22 direct the court reporter to furnish a transcript of the hearings.

23 (k) *Requisite findings by the court.* --

24 (1) Upon completion of the final commitment hearing and the

1 evidence presented in the hearing, the circuit court or mental
2 hygiene commissioner shall make findings as to the following:

3 (A) Whether the individual is mentally ill or addicted;

4 (B) Whether, because of illness or addiction, the individual is
5 likely to cause serious harm to self or others if allowed to remain
6 at liberty;

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

10 (D) Whether there is a less restrictive alternative than
11 commitment appropriate for the individual. The burden of proof of
12 the lack of a less restrictive alternative than commitment is on
13 the person or persons seeking the commitment of the individual.

14 (2) The findings of fact shall be incorporated into the order
15 entered by the circuit court and must be based upon clear, cogent
16 and convincing proof.

17 (1) *Orders issued pursuant to final commitment hearing; entry*
18 *of order; change in order of court; expiration of order. --*

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

22 (2) The individual may not be detained in a mental health
23 facility for a period in excess of ten days after a final
24 commitment hearing pursuant to this section unless an order has

1 been entered and received by the facility.

2 (3) If the order pursuant to a final commitment hearing is for
3 a temporary observation period, the circuit court or mental hygiene
4 commissioner may, at any time prior to the expiration of such
5 period on the basis of a report by the chief medical officer of the
6 mental health facility in which the patient is confined, hold
7 another hearing pursuant to the terms of this section and in the
8 same manner as the hearing was held as if it were an original
9 petition for involuntary hospitalization to determine whether the
10 original order for a temporary observation period should be
11 modified or changed to an order of indeterminate hospitalization of
12 the patient. At the conclusion of the hearing, the circuit court
13 shall order indeterminate hospitalization of the patient or
14 dismissal of the proceedings.

15 (4) An order for an indeterminate period expires of its own
16 terms at the expiration of two years from the date of the last
17 order of commitment unless prior to the expiration, the Department
18 of Health and Human Resources, upon findings based on an
19 examination of the patient by a physician or a psychologist,
20 extends the order for indeterminate hospitalization. If the
21 patient or his or her counsel requests a hearing, a hearing shall
22 be held by the mental hygiene commissioner or by the circuit court
23 of the county as provided in subsection (a) of this section.

24 (m) *Dismissal of proceedings.* -- If the circuit court or

1 mental hygiene commissioner finds that the individual is not
2 mentally ill or addicted, the proceedings shall be dismissed. If
3 the circuit court or mental hygiene commissioner finds that the
4 individual is mentally ill or addicted but is not, because of the
5 illness or addiction, likely to cause serious harm to self or
6 others if allowed to remain at liberty, the proceedings shall be dismissed.

7 (n) *Immediate notification of order of hospitalization.* --

8 The clerk of the circuit court in which an order directing
9 hospitalization is entered, if not in the county of the
10 individual's residence, shall immediately upon entry of the order
11 forward a certified copy of the order to the clerk of the circuit
12 court of the county of which the individual is a resident.

13 (o) *Consideration of transcript by circuit court of county of*
14 *individual's residence; order of hospitalization; execution of*
15 *order.* --

16 (1) If the circuit court or mental hygiene commissioner is
17 satisfied that hospitalization should be ordered but finds that the
18 individual is not a resident of the county in which the hearing is
19 held and the individual is not currently a resident of a mental
20 health facility, a transcript of the evidence adduced at the final
21 commitment hearing of the individual, certified by the clerk of the
22 circuit court, shall forthwith be forwarded to the clerk of the
23 circuit court of the county of which the individual is a resident.
24 The clerk shall immediately present the transcript to the circuit

1 court or mental hygiene commissioner of the county.

2 (2) If the circuit court or mental hygiene commissioner of the
3 county of the residence of the individual is satisfied from the
4 evidence contained in the transcript that the individual should be
5 hospitalized as determined by the standard set forth above, the
6 circuit court shall order the appropriate hospitalization as though
7 the individual had been brought before the circuit court or its
8 mental hygiene commissioner in the first instance.

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

12 (p) *Order of custody to responsible person.* -- In lieu of
13 ordering the patient to a mental health facility, the circuit court
14 may order the individual delivered to some responsible person who
15 will agree to take care of the individual and the circuit court may
16 take from the responsible person a bond in an amount to be
17 determined by the circuit court with condition to restrain and take
18 proper care of the individual until further order of the court.

19 (q) *Individual not a resident of this state.* -- If the
20 individual found to be mentally ill or addicted by the circuit
21 court or mental hygiene commissioner is a resident of another
22 state, this information shall be forthwith given to the Secretary
23 of the Department of Health and Human Resources, or to his or her
24 designee, who shall make appropriate arrangements for transfer of

1 the individual to the state of his or her residence conditioned on
2 the agreement of the individual except as qualified by the
3 interstate compact on mental health.

4 (r) *Report to the Secretary of the Department of Health and*
5 *Human Resources.* --

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

10 (2) Whenever an individual is released from custody due to the
11 failure of an employee of a mental health facility to comply with
12 the time requirements of this article, the chief medical officer of
13 the mental health facility shall forthwith, after the release of
14 the individual, make a report to the Secretary of the Department of
15 Health and Human Resources or to his or her designee of the failure
16 to comply.

17 (s) *Payment of some expenses by the state; mental hygiene fund*
18 *established; expenses paid by the county commission.* --

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

24 (2) The county commission shall pay out of the county treasury

1 all other expenses incurred in the hearings conducted under the
2 provisions of this article whether or not hospitalization is
3 ordered, including any fee allowed by the circuit court by order
4 entered of record for any physician, psychologist and witness
5 called by the indigent individual. The copying and mailing costs
6 associated with providing notice of the final commitment hearing
7 and issuance of the final order shall be paid by the county where
8 the involuntary commitment petition was initially filed.

9 **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

10 **ARTICLE 7A. STATE MENTAL HEALTH REGISTRY; REPORTING OF PERSONS**
11 **PROSCRIBED FROM FIREARM POSSESSION DUE TO MENTAL**
12 **CONDITION TO THE NATIONAL INSTANT CRIMINAL**
13 **BACKGROUND CHECK SYSTEM; LEGISLATIVE FINDINGS;**
14 **DEFINITIONS; REPORTING REQUIREMENTS; REINSTATEMENT**
15 **OF RIGHTS PROCEDURES.**

16 **§61-7A-5. Petition to regain right to possess firearms.**

17 (a) Any person who is prohibited from possessing a firearm
18 pursuant to the provisions of section seven, article seven of this
19 chapter or by provisions of federal law by virtue solely of having
20 previously been adjudicated to be mentally defective or to having
21 a prior involuntary commitment to a mental institution pursuant to
22 chapter twenty-seven of this code may petition the circuit court of
23 the county of his or her residence to regain the ability to
24 lawfully possess a firearm.

1 (b) Petitioners prohibited from possession of firearms due to
2 a mental health disability, must include in the petition for relief
3 from disability:

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

6 (2) An authorization, signed by the petitioner, for release of
7 mental health records to the prosecuting attorney of the county;
8 and

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

14 (c) The court may only consider petitions for relief due to
15 mental health adjudications or commitments that occurred in this
16 state, and only give the relief specifically requested in the
17 petition.

18 (d) In determining whether to grant the petition, the court
19 shall receive and consider at a minimum evidence:

20 (1) Concerning the circumstances regarding the firearms
21 disabilities imposed by 18 U.S.C. §922(g)(4);

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

24 (3) The petitioner's reputation developed through character

1 witness statements, testimony, or other character evidence.

2 (e) If the court finds by clear and convincing evidence that
3 the person is competent and capable of exercising the
4 responsibilities concomitant with the possession of a firearm, will
5 not be likely to act in a manner dangerous to public safety, and
6 that granting the relief will not be contrary to public interest,
7 the court may enter an order allowing the petitioner to possess a
8 firearm. If the order denies petitioner's ability to possess a
9 firearm, the petitioner may appeal the denial, which appeal is to
10 include the record of the circuit court rendering the decision.

11 (f) All proceedings for relief to regain firearm or ammunition
12 rights shall be reported or recorded and maintained for review.

13 (g) The prosecuting attorney or one of his or her assistants
14 shall represent the state in all proceedings for relief to regain
15 firearm rights and provide the court the petitioner's criminal
16 history records.

17 (h) The written petition, certificate, mental health or
18 substance abuse treatment records and any papers or documents
19 containing substance abuse or mental health information of the
20 petitioner, filed with the circuit court, are confidential. These
21 documents may not be open to inspection by any person other than
22 the prosecuting attorney or one of his or her assistants only for
23 purposes of representing the state in and during these proceedings
24 and by the petitioner and his or her counsel. No other person may

1 inspect these documents, except upon authorization of the
2 petitioner or his or her legal representative or by order of the
3 court, and these records may not be published except upon the
4 authorization of the petitioner or his or her legal representative.

5 (i) The circuit clerk of each county shall provide the
6 Superintendent of the West Virginia State Police, or his or her
7 designee, and the Administrator of the West Virginia Supreme Court
8 of Appeals, or his or her designee, with a certified copy of any
9 order entered pursuant to the provisions of this section which
10 removes a petitioner's prohibition to possess firearms. If the
11 order restores the petitioner's ability to possess a firearm,
12 petitioner's name shall be promptly removed from the central state
13 mental health registry and the superintendent or administrator
14 shall forthwith inform the Federal Bureau of Investigation, the
15 United States Attorney General, or other federal entity operating
16 the National Instant Criminal Background Check System of the court
17 action.