

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 507**

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

6 _____
7 [Originating in the Committee on the Judiciary;
8 reported February 16, 2012.]
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13 A BILL 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 hygiene; authorizing parent or
17 guardian to commit a child without his or her consent when
18 child is under eighteen years of age; clarifying the
19 procedures for previously involuntarily committed persons
20 petitioning to regain the right to possess firearms to enable
21 West Virginia to be eligible for federal funding; and
22 stylistic changes.

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

24 That §27-4-1 and §27-4-3 of the Code of West Virginia, 1931,

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

4 **CHAPTER 27. MENTALLY ILL PERSONS.**

5 **ARTICLE 4. VOLUNTARY HOSPITALIZATION.**

6 **§27-4-1. Authority to receive voluntary patients.**

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

11 (a) Over eighteen years of age who is mentally ill, mentally
12 retarded or addicted or who has manifested symptoms of mental
13 illness, mental retardation or addiction and who makes application
14 for hospitalization; or

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

19 (1) By the parents of such person; ~~or~~

20 (2) If only one parent is living, then by such parent; ~~or~~

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

23 (4) If there is a guardian who has legal custody of such
24 person, then by such guardian. ~~Such admission shall be conditioned~~

1 ~~upon the consent of the prospective patient if he is twelve years~~
2 ~~of age or over.~~

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

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 ~~forthwith~~
11 immediately 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 ~~twelve~~ eighteen years of age, his
17 or her release prior to becoming ~~twelve~~ eighteen years of age may
18 be conditioned upon the consent of the person or persons who
19 applied for his or 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. ~~Provided, That,~~ If the individual objects to the hearing
21 being held in the county where the mental health facility is
22 located, the hearing shall be conducted in the county of the
23 individual's residence.

24 (b) *How final commitment proceedings are commenced.* -- Final

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

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

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

14 (2) The application shall contain statements by the applicant
15 ~~that he or she believes because of symptoms of mental illness or~~
16 ~~addiction the individual is likely to cause serious harm to~~
17 ~~himself, herself or to others and the grounds for the belief,~~
18 ~~stating in detail the recent overt acts upon which the belief is~~
19 ~~based.~~ that the individual is likely to cause serious harm to self
20 or others due to what the applicant believes are symptoms of mental
21 illness or addiction. The applicant shall state in detail the
22 recent overt acts upon which the belief is based.

23 (3) The written application, certificate, affidavit and any
24 warrants issued pursuant thereto, including any ~~papers~~ and

1 ~~documents related thereto,~~ related documents, filed with ~~any a~~
2 circuit court, ~~or~~ mental hygiene commissioner or designated
3 magistrate for the involuntary hospitalization of ~~any an~~ individual
4 are not open to inspection by any person other than the individual,
5 ~~except upon authorization of~~ unless authorized by the individual or
6 his or her legal representative or by order of the circuit court.
7 ~~and~~ The records may not be published ~~except upon the authorization~~
8 ~~of~~ unless authorized by the individual or his or her legal
9 representative. Disclosure of these records may, however, be made
10 by the clerk, circuit court, mental hygiene commissioner or
11 designated magistrate to provide notice to the Federal National
12 Instant Criminal Background Check System established pursuant to
13 section 103(d) of the Brady Handgun Violence Prevention Act, 18 U.
14 S. C. §922, and the central state mental health registry, in
15 accordance with article seven-a, chapter sixty-one of this code.
16 Disclosure may also be made to the prosecuting attorney and
17 reviewing court in an action brought by the individual pursuant to
18 section five, article seven-a, chapter sixty-one of this code to
19 regain firearm and ammunition rights.

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

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

24 (1) The applicant shall file with his or her application the

1 certificate of a physician or a psychologist stating that in his or
2 her opinion the individual is mentally ill or addicted and that
3 because of the mental illness or addiction the individual is likely
4 to cause serious harm to ~~himself, herself or to~~ self or others if
5 ~~he or she is~~ allowed to remain at liberty and, therefore, ~~he or she~~
6 should be hospitalized. ~~stating.~~ The certificate shall state in
7 detail the recent overt acts ~~upon~~ on which the conclusion is based.

8 (2) A certificate is not necessary ~~only~~ when an affidavit is
9 filed by the applicant showing facts and the individual has refused
10 to submit to examination by a physician or a psychologist.

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

17 (1) To the individual;

18 (2) To the applicant or applicants;

19 (3) To the individual's spouse, one of the parents or
20 guardians, or, if the individual does not have a spouse, parents or
21 parent or guardian, to one of the individual's adult next of kin if
22 the next of kin is not the applicant;

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

24 (5) To the circuit court in the county of the individual's

1 residence if the hearing is to be held in a county other than that
2 of the individual's residence; and

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

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

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

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

11 (3) The right to have counsel appointed;

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

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

15 The notice to the individual's spouse, parents or parent or
16 guardian, the individual's adult next of kin or to the circuit
17 court in the county of the individual's residence may be by
18 personal service of process or by certified or registered mail,
19 return receipt requested, and shall state the time and place of the
20 hearing.

21 ~~(f)~~ (g) *Examination of individual by court-appointed physician*
22 *or psychologist; custody for examination; dismissal of proceedings.*

23 --

24 (1) Except as provided in subdivision (3) of this subsection,

1 within a reasonable time after notice of the commencement of final
2 commitment proceedings is given, the circuit court or mental
3 hygiene commissioner shall appoint a physician or psychologist to
4 examine the individual and report to the circuit court or mental
5 hygiene commissioner his or her findings as to the mental condition
6 or addiction of the individual and the likelihood of ~~him or her~~
7 causing serious harm to ~~himself, herself or to~~ self or others.

8 (2) If the designated physician or psychologist reports to the
9 circuit court or mental hygiene commissioner that the individual
10 has refused to submit to an examination, the circuit court or
11 mental hygiene commissioner shall order him or her to submit to the
12 examination. The circuit court or mental hygiene commissioner may
13 direct that the individual be detained or taken into custody for
14 the purpose of an immediate examination by the designated physician
15 or psychologist. All such orders shall be directed to the sheriff
16 of the county or other appropriate law-enforcement officer. After
17 the examination has been completed, the individual shall be
18 released from custody unless proceedings are instituted pursuant to
19 section three of this article.

20 (3) If the reports of the appointed physician or psychologist
21 do not confirm that the individual is mentally ill or addicted and
22 might be harmful to ~~himself, herself or to~~ self or others, then the
23 proceedings for involuntary hospitalization shall be dismissed.

24 ~~(g)~~ (h) *Rights of the individual at the final commitment*

1 *hearing; seven days' notice to counsel required. --*

2 (1) The individual shall be present at the final commitment
3 hearing and he or she, the applicant and all persons entitled to
4 notice of the hearing shall be afforded an opportunity to testify
5 and to present and cross examine witnesses.

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

11 (3) The individual has the right to have an examination by an
12 independent expert of his or her choice and to present testimony
13 from the expert as a medical witness on his or her behalf. The cost
14 of the independent expert ~~shall be borne~~ is paid by the individual
15 unless he or she is indigent.

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

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

20 (1) ~~The~~ Counsel representing an individual shall conduct a
21 timely interview, make investigation and secure appropriate
22 witnesses, ~~and shall~~ be present at the hearing and protect the
23 ~~interest~~ interests of the individual.

24 (2) ~~Any~~ Counsel representing an individual is entitled to

1 copies of all medical reports, psychiatric or otherwise.

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

6 ~~(i)~~ (j) *Conduct of hearing; receipt of evidence; no*
7 *evidentiary privilege; record of hearing. --*

8 (1) The circuit court or mental hygiene commissioner shall
9 hear evidence from all interested parties in chamber including
10 testimony from representatives of the community mental health
11 facility.

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

14 (3) The circuit court or mental hygiene commissioner is bound
15 by the rules of evidence promulgated by the Supreme Court of
16 Appeals except that statements made to physicians or psychologists
17 by the individual may be admitted into evidence by the physician's
18 or psychologist's testimony, notwithstanding failure to inform the
19 individual that this statement may be used against him or her. ~~Any~~
20 A psychologist or physician testifying shall bring all records
21 pertaining to the individual to the hearing. The medical evidence
22 obtained pursuant to an examination under this section, or section
23 two or three of this article, is not privileged information for
24 purposes of a hearing pursuant to this section.

1 (4) All final commitment proceedings shall be reported or
2 recorded, whether before the circuit court or mental hygiene
3 commissioner, and a transcript ~~shall be~~ made available to the
4 individual, his or her counsel or the prosecuting attorney within
5 thirty days if ~~it is~~ requested for the purpose of further
6 proceedings. In any case where an indigent person intends to pursue
7 further proceedings, the circuit court shall, by order entered of
8 record, authorize and direct the court reporter to furnish a
9 transcript of the hearings.

10 ~~(j)~~ (k) *Requisite findings by the court.* --

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

14 (A) Whether ~~or not~~ the individual is mentally ill or addicted;
15 ~~and,~~

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

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

22 ~~(2) The circuit court or mental hygiene commissioner shall~~
23 ~~also make a finding as to whether or not~~ (D) Whether there is a
24 less restrictive alternative than commitment appropriate for the

1 individual. The burden of proof of the lack of a less restrictive
2 alternative than commitment is on the person or persons seeking the
3 commitment of the individual.

4 ~~(3)~~ (2) The findings of fact shall be incorporated into the
5 order entered by the circuit court and must be based upon clear,
6 cogent and convincing proof.

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

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

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

17 (3) If the order pursuant to a final commitment hearing is for
18 a temporary observation period, the circuit court or mental hygiene
19 commissioner may, at any time prior to the expiration of such
20 period on the basis of a report by the chief medical officer of the
21 mental health facility in which the patient is confined, hold
22 another hearing pursuant to the terms of this section and in the
23 same manner as the hearing was held as if it were an original
24 petition for involuntary hospitalization to determine whether the

1 original order for a temporary observation period should be
2 modified or changed to an order of indeterminate hospitalization of
3 the patient. At the conclusion of the hearing, the circuit court
4 shall order indeterminate hospitalization of the patient or
5 dismissal of the proceedings.

6 (4) An order for an indeterminate period expires of its own
7 terms at the expiration of two years from the date of the last
8 order of commitment unless prior to the expiration the Department
9 of Health and Human Resources, upon findings based on an
10 examination of the patient by a physician or a psychologist,
11 extends the order for indeterminate hospitalization. ~~Provided, That~~
12 If the patient or his or her counsel requests a hearing, ~~then~~ a
13 hearing shall be held by the mental hygiene commissioner or by the
14 circuit court of the county as provided in subsection (a) of this
15 section.

16 ~~(i)~~ (m) *Dismissal of proceedings.* -- If the circuit court or
17 mental hygiene commissioner finds that the individual is not
18 mentally ill or addicted, the proceedings shall be dismissed. If
19 the circuit court or mental hygiene commissioner finds that the
20 individual is mentally ill or addicted but is not, because of the
21 illness or addiction, likely to cause serious harm to ~~himself,~~
22 ~~herself or to~~ self or others if allowed to remain at liberty, the
23 proceedings shall be dismissed.

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

1 The clerk of the circuit court in which an order directing
2 hospitalization is entered, if not in the county of the
3 individual's residence, shall immediately upon entry of the order
4 forward a certified copy of the order to the clerk of the circuit
5 court of the county of which the individual is a resident.

6 ~~(n)~~ (o) *Consideration of transcript by circuit court of county*
7 *of individual's residence; order of hospitalization; execution of*
8 *order. --*

9 (1) If the circuit court or mental hygiene commissioner is
10 satisfied that hospitalization should be ordered but finds that the
11 individual is not a resident of the county in which the hearing is
12 held and the individual is not currently a resident of a mental
13 health facility, a transcript of the evidence adduced at the final
14 commitment hearing of the individual, certified by the clerk of the
15 circuit court, shall forthwith be forwarded to the clerk of the
16 circuit court of the county of which the individual is a resident.
17 ~~who~~ The clerk shall immediately present the transcript to the
18 circuit court or mental hygiene commissioner of the county.

19 (2) If the circuit court or mental hygiene commissioner of the
20 county of the residence of the individual is satisfied from the
21 evidence contained in the transcript that the individual should be
22 hospitalized as determined by the standard set forth above, the
23 circuit court shall order the appropriate hospitalization as though
24 the individual had been brought before the circuit court or its

1 mental hygiene commissioner in the first instance.

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

5 ~~(o)~~ (p) *Order of custody to responsible person.* -- In lieu of
6 ordering the patient to a mental health facility, the circuit court
7 may order the individual delivered to some responsible person who
8 will agree to take care of the individual and the circuit court may
9 take from the responsible person a bond in an amount to be
10 determined by the circuit court with condition to restrain and take
11 proper care of the individual until further order of the court.

12 ~~(q)~~ (g) *Individual not a resident of this state.* -- If the
13 individual found to be mentally ill or addicted by the circuit
14 court or mental hygiene commissioner is a resident of another
15 state, this information shall be forthwith given to the Secretary
16 of the Department of Health and Human Resources, or to his or her
17 designee, who shall make appropriate arrangements for transfer of
18 the individual to the state of his or her residence conditioned on
19 the agreement of the individual except as qualified by the
20 interstate compact on mental health.

21 ~~(r)~~ (r) *Report to the Secretary of the Department of Health*
22 *and Human Resources.* --

23 (1) The chief medical officer of a mental health facility
24 admitting a patient pursuant to proceedings under this section

1 shall forthwith make a report of the admission to the Secretary of
2 the Department of Health and Human Resources or to his or her
3 designee.

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

11 ~~(r)~~ (s) *Payment of some expenses by the state; Mental Hygiene*
12 *Fund established; expenses paid by the county commission. --*

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

18 (2) The county commission shall pay out of the county treasury
19 all other expenses incurred in the hearings conducted under the
20 provisions of this article whether or not hospitalization is
21 ordered, including any fee allowed by the circuit court by order
22 entered of record for any physician, psychologist and witness
23 called by the indigent individual.

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

1 **ARTICLE 7A. STATE MENTAL HEALTH REGISTRY; REPORTING OF PERSONS'**
2 **PROSCRIBED FROM FIREARM POSSESSION DUE TO MENTAL**
3 **CONDITION TO THE NATIONAL INSTANT CRIMINAL**
4 **BACKGROUND CHECK SYSTEM; LEGISLATIVE FINDINGS;**
5 **DEFINITIONS; REPORTING REQUIREMENTS; REINSTATEMENT**
6 **OF RIGHTS PROCEDURES.**

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

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

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

20 (2) An authorization signed by the petitioner for release of
21 mental health records to the prosecuting attorney of the county;
22 and

23 (3) A verified certificate of mental health examination by a
24 licensed psychologist or psychiatrist occurring within thirty days

1 prior to filing of the petition which supports that the petitioner
2 is competent and not likely to act in a manner dangerous to public
3 safety.

4 (b) The court may only consider petitions for relief due to
5 mental health adjudications or commitments that occurred in this
6 state and only give the relief specifically requested in the
7 petition. In determining whether to grant the petition, the court
8 shall receive and consider, at a minimum:

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

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

13 (3) The petitioner's reputation developed through character
14 witness statements, testimony or other character evidence.

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

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

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

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

1 (d) If the order denies petitioner's ability to possess a
2 firearm, the petitioner may appeal the denial, which appeal is to
3 include the record of the circuit court rendering the decision.

4 (e) All proceedings for relief to regain firearm or ammunition
5 rights shall be reported or recorded and maintained for review.

6 (f) It shall be the duty of the prosecuting attorney or one of
7 his or her assistants to represent the state in all proceedings for
8 relief to regain firearm rights and provide the court the
9 petitioner's criminal history records.

10 (g) The written petition, certificate, mental health or
11 substance abuse treatment records and any papers or documents
12 containing substance abuse or mental health information of the
13 petitioner, filed with the circuit court, are confidential. These
14 are not open to inspection by any person other than by court order,
15 by the individual and his or her counsel, or upon the written
16 authorization of the person or his or her counsel, and the
17 prosecuting attorney for purposes of representing the state in
18 these proceedings exclusively. These records may not be published
19 unless by written authorization of the petitioner or his or her
20 counsel.

21 ~~(b)~~ (h) The circuit clerk of each county shall provide the
22 Superintendent of the West Virginia State Police or his or her
23 designee and the Administrator of the West Virginia Supreme Court
24 of Appeals, or his or her designee, with a certified copy of any

1 order entered pursuant to the provisions of this section which
2 removes a petitioner's prohibition to possess firearms. If the
3 order restores the petitioner's ability to possess a firearm,
4 petitioner's name shall be promptly removed from the central state
5 mental health registry and the superintendent or administrator
6 shall forthwith inform the Federal Bureau of Investigation, the
7 United States Attorney General or other federal entity operating
8 the National Instant Criminal Background Check System of the court
9 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.)