

## Committee on Criminal Justice

### **CS/CS/HB 1355 — Purchase of Firearms by Mentally Ill Persons**

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Watson and others  
(CS/SB 1000 by Criminal Justice Committee and Senators Gibson, Benacquisto, and Brandes)

Current law prohibits dealers from selling firearms to persons who have been committed to a mental institution. The bill broadens the definition of “committed to a mental institution” to include persons who have had an involuntary examination under the Baker Act and who have then voluntarily admitted themselves for outpatient or inpatient treatment so long as all of the requirements below are satisfied:

- An examining physician found that the person is an imminent danger to himself or herself or others.
- The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing in the petition.
- Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license, and the person acknowledged such notice in writing.
- A judge or a magistrate has reviewed the record classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the Florida Department of Law Enforcement (FDLE).

Within 24 hours after the person’s agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgement must be filed by the administrator of the receiving or treatment facility, with the clerk of the court for the county in which the involuntary examination occurred. No fee may be charged for such filing. The clerk must present the record to a judge or magistrate within 24 hours after receipt. The judge or magistrate is required to review the record *ex parte* (in private) and, if he or she determines that the record supports the classifying of the person as an imminent danger to themselves or others, to order that the record be submitted to FDLE. If so ordered, the record must be submitted to FDLE within 24 hours.

The new definition of “committed to a mental institution” and the procedure created for the examining physician, receiving or treatment facility, and the court to follow will allow the court order and records to be transmitted to FDLE to be included in state and federal firearm purchase related databases.

Because the records are a part of the databases, the person will not be able to purchase a firearm or receive a concealed weapons permit, and if he or she possesses a concealed weapons permit, it will be suspended or revoked. The firearm and concealed weapons restrictions will remain

effective until the person is ready to avail him or herself of the process under current law for having these restrictions lifted.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 38-0; House 117-1*