

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

CUSHMAN/DOWNEY
MARCH 21, 2013

CLERK OF THE HOUSE

REP. TALLON PROPOSES THE FOLLOWING AMENDMENT
No. TO H. 3560 (COUNCIL\NBD\3560C002.NBD.AC13):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING WORDS AND
INSERTING:**

**SECTION 1. CHAPTER 31, TITLE 23 OF THE
1976 CODE IS AMENDED BY ADDING:**

“ARTICLE 10

**NICS: MENTAL HEALTH ADJUDICATION AND
COMMITMENT REPORTING**

SECTION 23-31-1010. AS USED IN THIS ARTICLE, AND FOR THE PURPOSES OF 18 U. S. C. SECTION 922 (G)(4):

(1)‘ADJUDICATED AS A MENTAL DEFECTIVE’ MEANS A DETERMINATION BY A COURT, BOARD, COMMISSION, OR OTHER LAWFUL AUTHORITY THAT A PERSON, AS A RESULT OF MARKED SUBNORMAL INTELLIGENCE, OR MENTAL ILLNESS, INCOMPETENCY, CONDITION, OR DISEASE:

(A) IS A DANGER TO HIMSELF OR TO OTHERS; OR

(B) LACKS THE MENTAL CAPACITY TO CONTRACT OR MANAGE HIS OWN AFFAIRS.

THE TERM INCLUDES:

(I) A FINDING OF INSANITY BY A COURT IN A CRIMINAL CASE; AND

(II) THOSE PERSONS FOUND INCOMPETENT TO STAND TRIAL OR FOUND NOT GUILTY BY REASON OF LACK OF MENTAL RESPONSIBILITY PURSUANT TO ARTICLES 50A AND 72B OF THE UNIFORM CODE OF MILITARY JUSTICE, 10 U.S.C. SECTIONS 850(A) AND 876(B).

(2) ‘COMMITTED TO A MENTAL INSTITUTION’ MEANS A FORMAL COMMITMENT OF A PERSON TO A MENTAL INSTITUTION BY A COURT, BOARD, COMMISSION, OR OTHER LAWFUL AUTHORITY. THE TERM

INCLUDES A COMMITMENT TO A MENTAL INSTITUTION INVOLUNTARILY. THE TERM INCLUDES COMMITMENT FOR MENTAL DEFECTIVENESS OR MENTAL ILLNESS. IT ALSO INCLUDES COMMITMENTS FOR OTHER REASONS, SUCH AS FOR DRUG USE. THE TERM DOES NOT INCLUDE A PERSON IN A MENTAL INSTITUTION FOR OBSERVATION OR A VOLUNTARY ADMISSION TO A MENTAL INSTITUTION.

(3) 'MENTAL INSTITUTION' INCLUDES MENTAL HEALTH FACILITIES, MENTAL HOSPITALS, SANITARIUMS, PSYCHIATRIC FACILITIES, AND OTHER FACILITIES THAT PROVIDE DIAGNOSES BY LICENSED PROFESSIONALS OF MENTAL RETARDATION OR MENTAL ILLNESS, INCLUDING A PSYCHIATRIC WARD IN A GENERAL HOSPITAL.

SECTION 23-31-1020. (A) THE JUDICIAL DEPARTMENT AND THE CHIEF OF THE STATE LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, SHALL WORK IN CONJUNCTION WITH THE APPROPRIATE COURT OF EACH COUNTY IN DEVELOPING PROCEDURES FOR THE COLLECTION AND SUBMISSION OF INFORMATION OF PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR WHO HAVE BEEN COMMITTED TO A MENTAL INSTITUTION.

(B) WHEN A COURT SUBMITS THIS INFORMATION TO THE STATE LAW ENFORCEMENT DIVISION. SLED SHALL TRANSMIT THE INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ESTABLISHED PURSUANT TO THE BRADY HANDGUN VIOLENCE PROTECTION ACT OF 1993, PUB.LAW 103-159.

(C) ON AN ONGOING BASIS THE COURTS SHALL SUBMIT THIS INFORMATION TO SLED AS ADJUDICATIONS AND COMMITMENTS OCCUR. UNDER NO CIRCUMSTANCES MAY THE COURTS OR SLED SUBMIT INFORMATION PURSUANT TO THIS SECTION RELATING TO A PERSON'S DIAGNOSIS OR TREATMENT.

(D) SLED SHALL KEEP INFORMATION SUBMITTED BY THE COURTS CONFIDENTIAL AND IT MAY ONLY BE DISCLOSED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM PURSUANT TO THIS

SECTION OR FOR PURPOSES DIRECTLY RELATED TO THE BRADY ACT OR AS PROVIDED FOR IN SUBSECTION (E).

(E) IF THE COURT HAS SUBMITTED A PERSON'S NAME AND OTHER IDENTIFYING INFORMATION TO SLED TO BE TRANSMITTED TO NICS , THE STATE LAW ENFORCEMENT DIVISION SHALL REVIEW THE STATE CONCEALED WEAPONS PERMIT HOLDERS LIST AND IF THE REVIEW REVEALS THAT THE PERSON POSSESSES A CURRENT CONCEALED WEAPONS PERMIT, THE PERMIT IS REVOKED AND MUST BE SURRENDERED TO A SHERIFF, POLICE DEPARTMENT, A SLED AGENT, OR BY CERTIFIED MAIL TO THE CHIEF OF SLED. IF THE PERMIT HOLDER FAILS TO RETURN THE PERMIT WITHIN TEN DAYS OF BEING NOTIFIED OF ITS REVOCATION, SLED SHALL RETRIEVE THE PERMIT FROM THE PERMIT HOLDER.

(F) INFORMATION SUBMITTED BY THE COURTS PURSUANT TO THIS SECTION, WHICH IS ALSO CONTAINED IN COURT ORDERS OR IN OTHER STATE OR LOCAL AGENCY RECORDS, IS NOT AFFECTED BY THIS SECTION, AND THESE COURT ORDERS OR OTHER STATE OR LOCAL AGENCY RECORDS MAY BE DISCLOSED IN ACCORDANCE WITH EXISTING LAWS AND PROCEDURES.

SECTION 23-31-1030. (A) IF A PERSON IS PROHIBITED FROM SHIPPING, TRANSPORTING, OR POSSESSING A FIREARM OR AMMUNITION WITHIN THE STATE OR FROM RECEIVING A FIREARM OR AMMUNITION SHIPPED OR TRANSPORTED WITHIN THE STATE PURSUANT TO 18 U.S.C. SECTION 922(G)(4) OR SECTION 23-31-1040 AS A RESULT OF ADJUDICATION AS A MENTAL DEFECTIVE OR COMMITMENT TO A MENTAL INSTITUTION, THE PERSON MAY PETITION THE COURT THAT ISSUED THE ORIGINAL ORDER TO REMOVE ALL SUCH PROHIBITIONS. THE PERSON MAY FILE THE PETITION UPON THE EXPIRATION OF ANY CURRENT COMMITMENT ORDER; HOWEVER THE COURT ONLY MAY CONSIDER PETITIONS FOR RELIEF DUE TO ADJUDICATIONS AND COMMITMENTS THAT OCCURRED IN THIS STATE.

(B) THE PETITION MUST BE ACCOMPANIED BY A FIFTY DOLLAR FILING FEE AND AN AUTHORIZATION AND RELEASE SIGNED BY THE PETITIONER, AUTHORIZING DISCLOSURE OF PETITIONER'S CURRENT AND PAST MEDICAL RECORDS, INCLUDING MENTAL HEALTH RECORDS.

(C) THE PETITIONER SHALL SERVE HIS PETITION ON AND NOTICE PARTIES IN THE DISCRETION OF THE COURT.

(D)(1) WITHIN NINETY DAYS OF RECEIVING THE PETITION, UNLESS THE COURT GRANTS AN EXTENSION UPON REQUEST OF THE PETITIONER, THE COURT SHALL CONDUCT A HEARING WHICH MUST BE PRESIDED OVER BY A PERSON OTHER THAN THE PERSON WHO GATHERED EVIDENCE FOR USE BY THE COURT IN THE HEARING.

(2) AT THE HEARING ON THE PETITION, THE PETITIONER SHALL HAVE THE OPPORTUNITY TO SUBMIT EVIDENCE, AND A RECORD OF THE HEARING MUST BE MADE AND MAINTAINED FOR REVIEW. THE COURT SHALL CONSIDER INFORMATION AND RECORDS, WHICH OTHERWISE ARE CONFIDENTIAL OR PRIVILEGED, RELEVANT TO THE CRITERIA FOR REMOVING FIREARM AND AMMUNITION PROHIBITIONS AND SHALL RECEIVE AND CONSIDER EVIDENCE CONCERNING THE FOLLOWING:

(A) THE CIRCUMSTANCES REGARDING THE FIREARMS AND AMMUNITIONS PROHIBITIONS IMPOSED BY 18 U.S.C. SECTION 922(G)(4) AND SECTION 23-31-1040;

(B) THE PETITIONER'S RECORD, WHICH MUST INCLUDE, AT A MINIMUM, THE PETITIONER'S MENTAL HEALTH AND CRIMINAL HISTORY RECORDS;

(C) THE PETITIONER'S REPUTATION DEVELOPED, AT A MINIMUM, THROUGH CHARACTER WITNESS STATEMENTS, TESTIMONY, OR OTHER CHARACTER EVIDENCE; ; AND

(D) A CURRENT EVALUATION PRESENTED BY THE PETITIONER CONDUCTED BY THE DEPARTMENT OF MENTAL HEALTH OR A PHYSICIAN LICENSED IN THIS STATE SPECIALIZING IN MENTAL HEALTH SPECIFICALLY ADDRESSING WHETHER DUE TO MENTAL

DEFECTIVENESS OR MENTAL ILLNESS THE PETITIONER POSES A THREAT TO THE SAFETY OF THE PUBLIC OR HIMSELF OR HERSELF.

(E) UNLESS THE COURT FINDS THAT THE PUBLIC INTEREST WOULD BE BETTER SERVED, THE HEARING MUST BE CLOSED TO THE PUBLIC AND THE PETITIONER'S MENTAL HEALTH RECORDS MUST BE RESTRICTED FROM PUBLIC DISCLOSURE. HOWEVER, IF THE COURT DETERMINES THE HEARING SHOULD BE OPEN TO THE PUBLIC, UPON MOTION BY THE PETITIONER THE COURT MAY ALLOW FOR THE IN CAMERA INSPECTION OF THE PETITIONER'S MENTAL HEALTH RECORDS AND FOR THE USE OF THESE RECORDS, BUT THESE RECORDS MUST BE RESTRICTED FROM PUBLIC DISCLOSURE.

(F)(1) THE COURT SHALL MAKE FINDINGS OF FACT REGARDING THE FOLLOWING AND SHALL REMOVE ALL FIREARM AND AMMUNITION PROHIBITIONS IF THE PETITIONER PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT:

(A) THE PETITIONER IS NO LONGER REQUIRED TO PARTICIPATE IN COURT-ORDERED PSYCHIATRIC TREATMENT;

(B) THE PETITIONER IS DETERMINED BY THE DEPARTMENT OF MENTAL HEALTH OR BY A PHYSICIAN LICENSED IN THIS STATE SPECIALIZING IN MENTAL HEALTH TO BE NOT LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY; AND

(C) GRANTING THE PETITIONER RELIEF WILL NOT BE CONTRARY TO THE PUBLIC INTEREST.

(2) NOTWITHSTANDING SUBSECTION (F)(1), THE COURT MUST NOT REMOVE ALL FIREARM AND AMMUNITION PROHIBITIONS IF, BY A PREPONDERANCE OF THE EVIDENCE, IT IS PROVEN THAT THE PETITIONER HAS ENGAGED IN ACTS OF VIOLENCE SUBSEQUENT TO THE PETITIONER'S LAST ADJUDICATION AS A MENTAL DEFECTIVE OR LAST COMMITMENT TO A MENTAL INSTITUTION, UNLESS THE PETITIONER, BY CLEAR AND CONVINCING EVIDENCE, PROVES THAT HE IS NOT LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY.

(G) IF THE PETITIONER IS DENIED RELIEF AND THE FIREARM AND AMMUNITION PROHIBITIONS ARE NOT REMOVED, THE PETITIONER MAY APPEAL TO THE CIRCUIT COURT FOR DE NOVO REVIEW. IN CONDUCTING ITS REVIEW, THE CIRCUIT COURT:

(1) SHALL REVIEW THE RECORD;

(2) MAY GIVE DEFERENCE TO THE DECISION OF THE COURT DENYING THE PETITIONER RELIEF; AND

(3) MAY RECEIVE ADDITIONAL EVIDENCE AS NECESSARY TO CONDUCT AN ADEQUATE REVIEW.

(H) MEDICAL RECORDS, PSYCHOLOGICAL REPORTS, AND OTHER TREATMENT RECORDS WHICH HAVE BEEN SUBMITTED TO THE COURT OR ADMITTED INTO EVIDENCE UNDER THIS SECTION MUST BE PART OF THE RECORD, BUT MUST BE SEALED AND OPENED ONLY ON ORDER OF THE COURT.

(I) IF A COURT ISSUES AN ORDER PURSUANT TO THIS SECTION THAT REMOVES ALL FIREARM AND AMMUNITION PROHIBITIONS THAT PROHIBITED THE PETITIONER FROM SHIPPING, TRANSPORTING, OR POSSESSING A FIREARM OR AMMUNITION WITHIN THE STATE OR FROM RECEIVING A FIREARM OR AMMUNITION SHIPPED OR TRANSPORTED WITHIN THE STATE PURSUANT TO 18 U.S.C. SECTION 922(G)(4) OR SECTION 23-31-1040, ARISING FROM ADJUDICATION AS A MENTAL DEFECTIVE OR COMMITMENT TO A MENTAL INSTITUTION, THE COURT SHALL PROVIDE THE STATE LAW ENFORCEMENT DIVISION WITH A CERTIFIED COPY OF THE ORDER. THE STATE LAW ENFORCEMENT DIVISION PROMPTLY SHALL INFORM THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM OF THE COURT ACTION REMOVING THESE FIREARM AND AMMUNITION PROHIBITIONS.

SECTION 23-31-1040. IT IS UNLAWFUL FOR A PERSON WHO HAS BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR WHO HAS BEEN COMMITTED TO A MENTAL INSTITUTION TO SHIP, TRANSPORT, OR POSSESS A FIREARM OR AMMUNITION WITHIN THE STATE OR TO

RECEIVE A FIREARM OR AMMUNITION SHIPPED OR TRANSPORTED WITHIN THE STATE.

SECTION 23-31-1050. AS USED IN SECTION 23-31-1040 AND SECTION 23-31-1050:

(1) ‘AMMUNITION’ MEANS AMMUNITION OR CARTRIDGE CASES, PRIMERS, BULLETS, OR PROPELLANT POWDER DESIGNED FOR USE IN ANY FIREARM OTHER THAN AN ANTIQUE FIREARM. THE TERM SHALL NOT INCLUDE:

(A) ANY SHOTGUN SHOT OR PELLET NOT DESIGNED FOR USE AS THE SINGLE, COMPLETE PROJECTILE LOAD FOR ONE SHOTGUN HULL OR CASING; OR

(B) ANY UNLOADED, NON-METALLIC SHOTGUN HULL OR CASING NOT HAVING A PRIMER.

(2) ‘ANTIQUÉ FIREARM’ MEANS:

(A) ANY FIREARM (INCLUDING ANY FIREARM WITH A MATCHLOCK, FLINTLOCK, PERCUSSION CAP, OR SIMILAR TYPE OF IGNITION SYSTEM) MANUFACTURED IN OR BEFORE 1898; AND

(B) ANY REPLICA OF ANY FIREARM DESCRIBED IN SUBITEM (A) OF THIS DEFINITION IF SUCH REPLICA:

(I) IS NOT DESIGNED OR REDESIGNED FOR USING RIMFIRE OR CONVENTIONAL CENTERFIRE FIXED AMMUNITION; OR

(II) USES RIMFIRE OR CONVENTIONAL CENTERFIRE FIXED AMMUNITION WHICH IS NO LONGER MANUFACTURED IN THE UNITED STATES AND WHICH IS NOT READILY AVAILABLE IN THE ORDINARY CHANNELS OF COMMERCIAL TRADE.

(3) ‘FIREARM’ MEANS ANY WEAPON, INCLUDING A STARTER GUN, WHICH WILL OR IS DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE; THE FRAME OR RECEIVER OF ANY SUCH WEAPON; ANY FIREARM MUFFLER OR FIREARM SILENCER; OR ANY DESTRUCTIVE DEVICE; BUT THE TERM SHALL NOT

INCLUDE AN ANTIQUE FIREARM. IN THE CASE OF A LICENSED COLLECTOR, THE TERM SHALL MEAN ONLY CURIOS AND RELICS.

(4) 'FIREARM FRAME OR RECEIVER' MEANS THAT PART OF A FIREARM WHICH PROVIDES HOUSING FOR THE HAMMER, BOLT OR BREECHBLOCK, AND FIRING MECHANISM, AND WHICH IS USUALLY THREADED AT ITS FORWARD PORTION TO RECEIVE THE BARREL.

(5) 'FIREARM MUFFLER OR FIREARM SILENCER' MEANS ANY DEVICE FOR SILENCING, MUFFLING, OR DIMINISHING THE REPORT OF A PORTABLE FIREARM, INCLUDING ANY COMBINATION OF PARTS, DESIGNED OR REDESIGNED, AND INTENDED FOR USE IN ASSEMBLING OR FABRICATING A FIREARM SILENCER OR FIREARM MUFFLER, AND ANY PART INTENDED ONLY FOR USE IN SUCH ASSEMBLY OR FABRICATION."

SECTION 2. SECTION 44-22-100 OF THE 1976 CODE IS AMENDED TO READ:

"SECTION 44-22-100. (A) CERTIFICATES, APPLICATIONS, RECORDS, AND REPORTS MADE FOR THE PURPOSE OF THIS CHAPTER OR CHAPTER 9, CHAPTER 11, CHAPTER 13, ~~ARTICLE 1 OF~~ CHAPTER 15, CHAPTER 17, CHAPTER 20, CHAPTER 23, CHAPTER 24, CHAPTER 25, CHAPTER 27, OR CHAPTER 52 ~~OF THIS TITLE~~ AND DIRECTLY OR INDIRECTLY IDENTIFYING A MENTALLY ILL OR ALCOHOL AND DRUG ABUSE PATIENT OR FORMER PATIENT OR INDIVIDUAL WHOSE COMMITMENT HAS BEEN SOUGHT MUST BE KEPT CONFIDENTIAL AND MUST NOT BE DISCLOSED UNLESS:

- (1) THE INDIVIDUAL IDENTIFIED OR HIS GUARDIAN CONSENTS;**
- (2) A COURT DIRECTS THAT DISCLOSURE IS NECESSARY FOR THE CONDUCT OF PROCEEDINGS BEFORE IT AND THAT FAILURE TO MAKE THE DISCLOSURE IS CONTRARY TO THE PUBLIC INTEREST;**
- (3) DISCLOSURE IS REQUIRED FOR RESEARCH CONDUCTED OR AUTHORIZED BY THE DEPARTMENT OR THE DEPARTMENT OF ALCOHOL**

AND OTHER DRUG ABUSE SERVICES AND WITH THE CONSENT OF THE PATIENT;

(4) DISCLOSURE IS NECESSARY TO COOPERATE WITH LAW ENFORCEMENT, HEALTH, WELFARE, AND OTHER STATE OR FEDERAL AGENCIES OR WHEN FURTHERING THE WELFARE OF THE PATIENT OR HIS FAMILY; OR

(5) DISCLOSURE IS NECESSARY TO MAKE REPORTS TO THE JUDICIAL DEPARTMENT OR STATE LAW ENFORCEMENT DIVISION FOR THE LIMITED PURPOSE OF PROVIDING NOTICE TO THE FEDERAL NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, ESTABLISHED PURSUANT TO THE BRADY HANDGUN VIOLENCE PREVENTION ACT OF 1993, PUB.L. 103-159 AND IN ACCORDANCE WITH ARTICLE 10, CHAPTER 31, TITLE 23; OR

(6) DISCLOSURE IS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS CHAPTER OR CHAPTER 9, CHAPTER 11, CHAPTER 13, ~~ARTICLE 4~~ OF CHAPTER 15, CHAPTER 17, CHAPTER 20, CHAPTER 23, CHAPTER 24, CHAPTER 25, CHAPTER 27, OR CHAPTER 52 ~~OF THIS TITLE~~.

(B) NOTHING IN THIS SECTION:

(1) PRECLUDES DISCLOSURE, UPON PROPER INQUIRY, OF INFORMATION AS TO A PATIENT'S CURRENT MEDICAL CONDITION TO MEMBERS OF HIS FAMILY, OR THE GOVERNOR'S OMBUDSMAN OFFICE; OR

(2) REQUIRES THE RELEASE OF RECORDS OF WHICH DISCLOSURE IS PROHIBITED OR REGULATED BY FEDERAL LAW.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONED NOT MORE THAN ONE YEAR, OR BOTH."

SECTION 3. COURTS REQUIRED TO SUBMIT INFORMATION TO THE STATE LAW ENFORCEMENT DIVISION PURSUANT TO THIS ACT CONCERNING INDIVIDUALS WHO HAVE BEEN ADJUDICATED AS A

MENTAL DEFECTIVE OR WHO HAVE BEEN COMMITTED TO A MENTAL INSTITUTION SHALL, FROM THE EFFECTIVE DATE OF THIS ACT FORWARD, SUBMIT INFORMATION AS IT ARISES AND IN ACCORDANCE WITH PROCEDURES DEVELOPED AS REQUIRED BY THIS ACT AND HAVE ONE YEAR FROM THIS ACT'S EFFECTIVE DATE TO SUBMIT RETROACTIVE INFORMATION ON SUCH INDIVIDUALS GOING BACK A MINIMUM OF TEN YEARS OR IF RECORDS ARE NOT AVAILABLE AS FAR BACK AS TEN YEARS, THEN AS FAR BACK AS RECORDS EXIST.

SECTION 4. IF ANY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS ACT IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR INVALID, SUCH HOLDING SHALL NOT AFFECT THE CONSTITUTIONALITY OR VALIDITY OF THE REMAINING PORTIONS OF THIS ACT, THE GENERAL ASSEMBLY HEREBY DECLARING THAT IT WOULD HAVE PASSED THIS ACT, AND EACH AND EVERY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, AND WORD THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE OTHER SECTIONS, SUBSECTIONS, PARAGRAPHS, SUBPARAGRAPHS, SENTENCES, CLAUSES, PHRASES, OR WORDS HEREOF MAY BE DECLARED TO BE UNCONSTITUTIONAL, INVALID, OR OTHERWISE INEFFECTIVE.

SECTION 5. THIS ACT TAKES EFFECT NINETY DAYS AFTER APPROVAL BY THE GOVERNOR. /

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.