

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY JUNE 16, 2010

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1201**

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**Introduced by Senator DeSaulnier**

February 18, 2010

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An act to amend Section 290.06 of, *and to add Section 2963 to*, the Penal Code, *and to amend Sections 6601 and 6601.3 of the Welfare and Institutions Code*, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1201, as amended, DeSaulnier. Sex offenders: assessments.

**Existing**

(1) *Existing* law, the Sex Offender Registration Act, provides that persons convicted of specified sex offenses are required to register with law enforcement, as specified. Existing law requires that persons required to register as sex offenders be subject to assessment by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as specified. Existing law requires the Department of Corrections and Rehabilitation and the State Department of Mental Health to perform a risk assessment of every eligible person under their jurisdiction, as specified. Existing law provides that the definition of "eligible person" for this purpose means a person convicted of an offense that requires him or her to register pursuant to a specified provision of the act and who is eligible for assessment. The act, in addition to the provision specified in this definition of "eligible person," also provides registration requirements for the registration of, among others, persons convicted

of registerable offenses in out-of-state, federal, or military courts, and registration of out-of-state residents working or attending school in California.

This bill would require the Department of Corrections and Rehabilitation to assess every person on parole transferred from any other state or by the federal government to this state who has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, would require the person to register as a sex offender, as specified. The bill would specify that this assessment shall occur no later than 60 days after a determination by the Department of Justice that the person is required to register as a sex offender, as specified. The bill would revise the definition of “eligible person” for the purpose in the paragraph above to include all persons required to register as sex offenders pursuant to the Sex Offender Registration Act.

*(2) Existing law requires that a prisoner who meets specified criteria for having a severe mental disorder shall, as a condition of parole, be required to receive treatment from the State Department of Mental Health, either on an outpatient or inpatient basis. In order to impose this parole condition the prisoner must have been evaluated by the State Department of Mental Health, as provided, and the chief psychiatrist of the Department of Corrections and Rehabilitation must have certified to the Board of Parole Hearings that the prisoner has a severe mental disorder. Existing law provides for additional mental health examinations in the event of a disagreement among the evaluators. Under existing law these evaluations and this certification must be performed prior to the prisoner’s release on parole.*

*This bill would authorize the Board of Parole Hearings to order that a person remain in custody for no more than 45 days beyond the person’s release date, upon a showing of good cause, in order to perform the evaluations described above. The bill would define good cause for these purposes as meaning circumstances where there is a recalculation of credits or restoration of credits, a resentencing by a court, the receipt of the prisoner into custody, or an equivalent exigent circumstance which results in there being less than 45 days prior to the person’s release on parole to perform the evaluations.*

*(3) Existing law requires the Secretary of the Department of Corrections and Rehabilitation to refer a prisoner for evaluation by the State Department of Mental Health when he or she determines that the person may be a sexually violent predator. Existing law requires*

*that this referral be made at least 6 months before the prisoner's release date and specifies a sexually violent predator evaluation procedure. Under existing law, the Board of Prison Terms may, upon a showing of good cause, order that the person referred to the State Department of Mental Health pursuant to these provisions remain in custody for no more than 45 days beyond the person's scheduled release date for a full evaluation.*

*This bill would define good cause for these purposes as meaning circumstances where there is a recalculation of credits or restoration of credits, a resentencing by a court, the receipt of the prisoner into custody, or an equivalent exigent circumstance which results in there being less than 45 days prior to the person's scheduled release date to perform the evaluation.*

*(4) Existing law requires, prior to release from the custody of the Department of Corrections and Rehabilitation of a person who has been convicted of certain crimes of a sexual nature, that the Secretary of the Department of Corrections and Rehabilitation refer that person to the State Department of Mental Health for evaluation if the secretary determines that person may be a sexually violent predator. The evaluation is to be performed by 2 practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health. If both evaluators concur that the person has a diagnosed mental disorder so that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody, the director shall forward a request for a petition for commitment to the applicable county. If the evaluators do not agree as to whether the person meets the criteria for a sexually violent predator, the director is required to arrange for examination by 2 independent professionals who are not employees of the state and who meet specified requirements.*

*Existing law specifies that the psychologists or psychiatrists performing the original evaluation may be independent professionals. Existing law provides that this provision shall be repealed, and a different provision of existing law that does not provide that the psychologists or psychiatrists performing the original evaluation may be independent professionals shall become operative, on the date that the director executes a declaration specifying that sufficient qualified state employees have been hired to conduct the evaluations, or January 1, 2011, whichever occurs first.*

*This bill would extend this final date for the expiration of the authorization for independent professionals to perform these examinations from January 1, 2011, to January 1, 2012.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 290.06 of the Penal Code is amended to  
2 read:

3 290.06. The SARATSO, as set forth in Section 290.04, shall  
4 be administered as follows:

5 (a) (1) The Department of Corrections and Rehabilitation shall  
6 assess every eligible person who is incarcerated in state prison.  
7 Whenever possible, the assessment shall take place at least four  
8 months, but no sooner than 10 months, prior to release from  
9 incarceration.

10 (2) The department shall assess every eligible person who is on  
11 parole if the person was not assessed prior to release from state  
12 prison. Whenever possible, the assessment shall take place at least  
13 four months, but no sooner than 10 months, prior to termination  
14 of parole. The department shall record in a database the risk  
15 assessment scores of persons assessed pursuant to this paragraph  
16 and paragraph (1), and any risk assessment score that was  
17 submitted to the department by a probation officer pursuant to  
18 Section 1203.

19 (3) The department shall assess every person on parole  
20 transferred from any other state or by the federal government to  
21 this state who has been, or is hereafter convicted in any other court,  
22 including any state, federal, or military court, of any offense that,  
23 if committed or attempted in this state, would have been punishable  
24 as one or more of the offenses described in subdivision (c) of  
25 Section 290. The assessment required by this paragraph shall occur  
26 no later than 60 days after a determination by the Department of  
27 Justice that the person is required to register as a sex offender in  
28 California pursuant to Section 290.005.

29 (4) The State Department of Mental Health shall assess every  
30 eligible person who is committed to that department. Whenever  
31 possible, the assessment shall take place at least four months, but  
32 no sooner than 10 months, prior to release from commitment. The

1 State Department of Mental Health shall record in a database the  
2 risk assessment scores of persons assessed pursuant to this  
3 paragraph and any risk assessment score that was submitted to the  
4 department by a probation officer pursuant to Section 1203.

5 (5) Commencing January 1, 2010, the Department of Corrections  
6 and Rehabilitation and the State Department of Mental Health  
7 shall send the scores obtained in accordance with paragraphs (2),  
8 (3), and (4) to the Department of Justice Sex Offender Tracking  
9 Program not later than 30 days after the date of the assessment.  
10 The risk assessment score of an offender shall be made part of his  
11 or her file maintained by the Department of Justice Sex Offender  
12 Tracking Program as soon as possible without financial impact,  
13 but no later than January 1, 2012.

14 (6) Each probation department shall assess every eligible person  
15 for whom it prepares a report pursuant to Section 1203.

16 (7) Each probation department shall assess every eligible person  
17 under its supervision who was not assessed pursuant to paragraph  
18 (5). The assessment shall take place prior to the termination of  
19 probation, but no later than January 1, 2010.

20 (b) Eligible persons not assessed pursuant to subdivision (a)  
21 may be assessed as follows:

22 (1) Upon request of the law enforcement agency in the  
23 jurisdiction in which the person is registered pursuant to Sections  
24 290 to 290.023, inclusive, the person shall be assessed. The law  
25 enforcement agency may enter into a memorandum of  
26 understanding with a probation department to perform the  
27 assessment. In the alternative, the law enforcement agency may  
28 arrange to have personnel trained to perform the risk assessment  
29 in accordance with subdivision (d) of Section 290.05.

30 (2) Eligible persons not assessed pursuant to subdivision (a)  
31 may request that a risk assessment be performed. A request form  
32 shall be available at registering law enforcement agencies. The  
33 person requesting the assessment shall pay a fee for the assessment  
34 that shall be sufficient to cover the cost of the assessment. The risk  
35 assessment so requested shall be performed either by the probation  
36 department, if a memorandum of understanding is established  
37 between the law enforcement agency and the probation department,  
38 or by personnel who have been trained to perform risk assessment  
39 in accordance with subdivision (d) of Section 290.05.

1 (c) On or before January 1, 2008, the SARATSO Review  
2 Committee shall research the appropriateness and feasibility of  
3 providing a means by which an eligible person subject to  
4 assessment may, at his or her own expense, be assessed with the  
5 SARATSO by a governmental entity prior to his or her scheduled  
6 assessment. If the committee unanimously agrees that such a  
7 process is appropriate and feasible, it shall advise the Governor  
8 and the Legislature of the selected tool, and it shall post its decision  
9 on the Department of Corrections and Rehabilitation's Internet  
10 Web site. Sixty days after the decision is posted, the established  
11 process shall become effective.

12 (d) For purposes of this section, "eligible person" means a person  
13 who was convicted of an offense that requires him or her to register  
14 as a sex offender pursuant to the Sex Offender Registration Act  
15 and who is eligible for assessment, pursuant to the official Coding  
16 Rules designated for use with the risk assessment instrument by  
17 the author of any risk assessment instrument (SARATSO) selected  
18 by the SARATSO Review Committee.

19 (e) Persons authorized to perform risk assessments pursuant to  
20 this section, Section 1203, and Section 706 of the Welfare and  
21 Institutions Code shall be immune from liability for good faith  
22 conduct under this act.

23 *SEC. 2. Section 2963 is added to the Penal Code, to read:*

24 *2963. (a) Upon a showing of good cause, the Board of Parole*  
25 *Hearings may order that a person remain in custody for no more*  
26 *than 45 days beyond the person's scheduled release date for full*  
27 *evaluation pursuant to paragraph (1) of subdivision (d) of Section*  
28 *2962 and any additional evaluations pursuant to paragraph (2)*  
29 *of subdivision (d) of Section 2962.*

30 *(b) For purposes of this section, good cause means*  
31 *circumstances where there is a recalculation of credits or a*  
32 *restoration of denied or lost credits, a resentencing by a court, the*  
33 *receipt of the prisoner into custody, or equivalent exigent*  
34 *circumstances which result in there being less than 45 days prior*  
35 *to the person's scheduled release date for the evaluations described*  
36 *in subdivision (d) of Section 2962.*

37 *SEC. 3. Section 6601 of the Welfare and Institutions Code, as*  
38 *amended by Section 2 of Chapter 601 of the Statutes of 2008, is*  
39 *amended to read:*

1 6601. (a) (1) Whenever the Secretary of the Department of  
2 Corrections and Rehabilitation determines that an individual who  
3 is in custody under the jurisdiction of the Department of  
4 Corrections and Rehabilitation, and who is either serving a  
5 determinate prison sentence or whose parole has been revoked,  
6 may be a sexually violent predator, the secretary shall, at least six  
7 months prior to that individual's scheduled date for release from  
8 prison, refer the person for evaluation in accordance with this  
9 section. However, if the inmate was received by the department  
10 with less than nine months of his or her sentence to serve, or if the  
11 inmate's release date is modified by judicial or administrative  
12 action, the secretary may refer the person for evaluation in  
13 accordance with this section at a date that is less than six months  
14 prior to the inmate's scheduled release date.

15 (2) A petition may be filed under this section if the individual  
16 was in custody pursuant to his or her determinate prison term,  
17 parole revocation term, or a hold placed pursuant to Section 6601.3,  
18 at the time the petition is filed. A petition shall not be dismissed  
19 on the basis of a later judicial or administrative determination that  
20 the individual's custody was unlawful, if the unlawful custody was  
21 the result of a good faith mistake of fact or law. This paragraph  
22 shall apply to any petition filed on or after January 1, 1996.

23 (b) The person shall be screened by the Department of  
24 Corrections and Rehabilitation and the Board of Parole Hearings  
25 based on whether the person has committed a sexually violent  
26 predatory offense and on a review of the person's social, criminal,  
27 and institutional history. This screening shall be conducted in  
28 accordance with a structured screening instrument developed and  
29 updated by the State Department of Mental Health in consultation  
30 with the Department of Corrections and Rehabilitation. If as a  
31 result of this screening it is determined that the person is likely to  
32 be a sexually violent predator, the Department of Corrections and  
33 Rehabilitation shall refer the person to the State Department of  
34 Mental Health for a full evaluation of whether the person meets  
35 the criteria in Section 6600.

36 (c) The State Department of Mental Health shall evaluate the  
37 person in accordance with a standardized assessment protocol,  
38 developed and updated by the State Department of Mental Health,  
39 to determine whether the person is a sexually violent predator as  
40 defined in this article. The standardized assessment protocol shall

1 require assessment of diagnosable mental disorders, as well as  
2 various factors known to be associated with the risk of reoffense  
3 among sex offenders. Risk factors to be considered shall include  
4 criminal and psychosexual history, type, degree, and duration of  
5 sexual deviance, and severity of mental disorder.

6 (d) Pursuant to subdivision (c), the person shall be evaluated  
7 by two practicing psychiatrists or psychologists, or one practicing  
8 psychiatrist and one practicing psychologist, designated by the  
9 Director of Mental Health, one or both of whom may be  
10 independent professionals as defined in subdivision (g). If both  
11 evaluators concur that the person has a diagnosed mental disorder  
12 so that he or she is likely to engage in acts of sexual violence  
13 without appropriate treatment and custody, the Director of Mental  
14 Health shall forward a request for a petition for commitment under  
15 Section 6602 to the county designated in subdivision (i). Copies  
16 of the evaluation reports and any other supporting documents shall  
17 be made available to the attorney designated by the county pursuant  
18 to subdivision (i) who may file a petition for commitment.

19 (e) If one of the professionals performing the evaluation pursuant  
20 to subdivision (d) does not concur that the person meets the criteria  
21 specified in subdivision (d), but the other professional concludes  
22 that the person meets those criteria, the Director of Mental Health  
23 shall arrange for further examination of the person by two  
24 independent professionals selected in accordance with subdivision  
25 (g).

26 (f) If an examination by independent professionals pursuant to  
27 subdivision (e) is conducted, a petition to request commitment  
28 under this article shall only be filed if both independent  
29 professionals who evaluate the person pursuant to subdivision (e)  
30 concur that the person meets the criteria for commitment specified  
31 in subdivision (d). The professionals selected to evaluate the person  
32 pursuant to subdivision (g) shall inform the person that the purpose  
33 of their examination is not treatment but to determine if the person  
34 meets certain criteria to be involuntarily committed pursuant to  
35 this article. It is not required that the person appreciate or  
36 understand that information.

37 (g) Any independent professional who is designated by the  
38 Secretary of the Department of Corrections and Rehabilitation or  
39 the Director of Mental Health for purposes of this section shall not  
40 be a state government employee, shall have at least five years of



1 experience in the diagnosis and treatment of mental disorders, and  
2 shall include psychiatrists and licensed psychologists who have a  
3 doctoral degree in psychology. The requirements set forth in this  
4 section also shall apply to any professionals appointed by the court  
5 to evaluate the person for purposes of any other proceedings under  
6 this article.

7 (h) If the State Department of Mental Health determines that  
8 the person is a sexually violent predator as defined in this article,  
9 the Director of Mental Health shall forward a request for a petition  
10 to be filed for commitment under this article to the county  
11 designated in subdivision (i). Copies of the evaluation reports and  
12 any other supporting documents shall be made available to the  
13 attorney designated by the county pursuant to subdivision (i) who  
14 may file a petition for commitment in the superior court.

15 (i) If the county's designated counsel concurs with the  
16 recommendation, a petition for commitment shall be filed in the  
17 superior court of the county in which the person was convicted of  
18 the offense for which he or she was committed to the jurisdiction  
19 of the Department of Corrections and Rehabilitation. The petition  
20 shall be filed, and the proceedings shall be handled, by either the  
21 district attorney or the county counsel of that county. The county  
22 board of supervisors shall designate either the district attorney or  
23 the county counsel to assume responsibility for proceedings under  
24 this article.

25 (j) The time limits set forth in this section shall not apply during  
26 the first year that this article is operative.

27 (k) If the person is otherwise subject to parole, a finding or  
28 placement made pursuant to this article shall toll the term of parole  
29 pursuant to Article 1 (commencing with Section 3000) of Chapter  
30 8 of Title 1 of Part 3 of the Penal Code.

31 (l) Pursuant to subdivision (d), the attorney designated by the  
32 county pursuant to subdivision (i) shall notify the State Department  
33 of Mental Health of its decision regarding the filing of a petition  
34 for commitment within 15 days of making that decision.

35 (m) (1) The department shall provide the fiscal and policy  
36 committees of the Legislature, including the Chairperson of the  
37 Joint Legislative Budget Committee, and the Department of  
38 Finance, with a semiannual update on the progress made to hire  
39 qualified state employees to conduct the evaluation required

1 pursuant to subdivision (d). The first update shall be provided no  
2 later than July 10, 2009.

3 (2) On or before January 2, 2010, the department shall report  
4 to the Legislature on all of the following:

5 (A) The costs to the department for the sexual offender  
6 commitment program attributable to the provisions in Proposition  
7 83 of the November 2006 general election, otherwise known as  
8 Jessica’s Law.

9 (B) The number and proportion of inmates evaluated by the  
10 department for commitment to the program as a result of the  
11 expanded evaluation and commitment criteria in Jessica’s Law.

12 (C) The number and proportion of those inmates who have  
13 actually been committed for treatment in the program.

14 (3) This section shall remain in effect and be repealed on the  
15 date that the director executes a declaration, which shall be  
16 provided to the fiscal and policy committees of the Legislature,  
17 including the Chairperson of the Joint Legislative Budget  
18 Committee, and the Department of Finance, specifying that  
19 sufficient qualified state employees have been hired to conduct  
20 the evaluations required pursuant to subdivision (d), or January 1,  
21 ~~2011~~ 2012, whichever occurs first.

22 *SEC. 4. Section 6601 of the Welfare and Institutions Code, as*  
23 *added by Section 3 of Chapter 601 of the Statutes of 2008, is*  
24 *amended to read:*

25 6601. (a) (1) Whenever the Secretary of the Department of  
26 Corrections and Rehabilitation determines that an individual who  
27 is in custody under the jurisdiction of the Department of  
28 Corrections and Rehabilitation, and who is either serving a  
29 determinate prison sentence or whose parole has been revoked,  
30 may be a sexually violent predator, the secretary shall, at least six  
31 months prior to that individual’s scheduled date for release from  
32 prison, refer the person for evaluation in accordance with this  
33 section. However, if the inmate was received by the department  
34 with less than nine months of his or her sentence to serve, or if the  
35 inmate’s release date is modified by judicial or administrative  
36 action, the secretary may refer the person for evaluation in  
37 accordance with this section at a date that is less than six months  
38 prior to the inmate’s scheduled release date.

39 (2) A petition may be filed under this section if the individual  
40 was in custody pursuant to his or her determinate prison term,

1 parole revocation term, or a hold placed pursuant to Section 6601.3,  
2 at the time the petition is filed. A petition shall not be dismissed  
3 on the basis of a later judicial or administrative determination that  
4 the individual's custody was unlawful, if the unlawful custody was  
5 the result of a good faith mistake of fact or law. This paragraph  
6 shall apply to any petition filed on or after January 1, 1996.

7 (b) The person shall be screened by the Department of  
8 Corrections and Rehabilitation and the Board of Parole Hearings  
9 based on whether the person has committed a sexually violent  
10 predatory offense and on a review of the person's social, criminal,  
11 and institutional history. This screening shall be conducted in  
12 accordance with a structured screening instrument developed and  
13 updated by the State Department of Mental Health in consultation  
14 with the Department of Corrections and Rehabilitation. If as a  
15 result of this screening it is determined that the person is likely to  
16 be a sexually violent predator, the Department of Corrections and  
17 Rehabilitation shall refer the person to the State Department of  
18 Mental Health for a full evaluation of whether the person meets  
19 the criteria in Section 6600.

20 (c) The State Department of Mental Health shall evaluate the  
21 person in accordance with a standardized assessment protocol,  
22 developed and updated by the State Department of Mental Health,  
23 to determine whether the person is a sexually violent predator as  
24 defined in this article. The standardized assessment protocol shall  
25 require assessment of diagnosable mental disorders, as well as  
26 various factors known to be associated with the risk of reoffense  
27 among sex offenders. Risk factors to be considered shall include  
28 criminal and psychosexual history, type, degree, and duration of  
29 sexual deviance, and severity of mental disorder.

30 (d) Pursuant to subdivision (c), the person shall be evaluated  
31 by two practicing psychiatrists or psychologists, or one practicing  
32 psychiatrist and one practicing psychologist, designated by the  
33 Director of Mental Health. If both evaluators concur that the person  
34 has a diagnosed mental disorder so that he or she is likely to engage  
35 in acts of sexual violence without appropriate treatment and  
36 custody, the Director of Mental Health shall forward a request for  
37 a petition for commitment under Section 6602 to the county  
38 designated in subdivision (i). Copies of the evaluation reports and  
39 any other supporting documents shall be made available to the

1 attorney designated by the county pursuant to subdivision (i) who  
2 may file a petition for commitment.

3 (e) If one of the professionals performing the evaluation pursuant  
4 to subdivision (d) does not concur that the person meets the criteria  
5 specified in subdivision (d), but the other professional concludes  
6 that the person meets those criteria, the Director of Mental Health  
7 shall arrange for further examination of the person by two  
8 independent professionals selected in accordance with subdivision  
9 (g).

10 (f) If an examination by independent professionals pursuant to  
11 subdivision (e) is conducted, a petition to request commitment  
12 under this article shall only be filed if both independent  
13 professionals who evaluate the person pursuant to subdivision (e)  
14 concur that the person meets the criteria for commitment specified  
15 in subdivision (d). The professionals selected to evaluate the person  
16 pursuant to subdivision (g) shall inform the person that the purpose  
17 of their examination is not treatment but to determine if the person  
18 meets certain criteria to be involuntarily committed pursuant to  
19 this article. It is not required that the person appreciate or  
20 understand that information.

21 (g) Any independent professional who is designated by the  
22 Secretary of the Department of Corrections and Rehabilitation or  
23 the Director of Mental Health for purposes of this section shall not  
24 be a state government employee, shall have at least five years of  
25 experience in the diagnosis and treatment of mental disorders, and  
26 shall include psychiatrists and licensed psychologists who have a  
27 doctoral degree in psychology. The requirements set forth in this  
28 section also shall apply to any professionals appointed by the court  
29 to evaluate the person for purposes of any other proceedings under  
30 this article.

31 (h) If the State Department of Mental Health determines that  
32 the person is a sexually violent predator as defined in this article,  
33 the Director of Mental Health shall forward a request for a petition  
34 to be filed for commitment under this article to the county  
35 designated in subdivision (i). Copies of the evaluation reports and  
36 any other supporting documents shall be made available to the  
37 attorney designated by the county pursuant to subdivision (i) who  
38 may file a petition for commitment in the superior court.

39 (i) If the county's designated counsel concurs with the  
40 recommendation, a petition for commitment shall be filed in the

1 superior court of the county in which the person was convicted of  
2 the offense for which he or she was committed to the jurisdiction  
3 of the Department of Corrections and Rehabilitation. The petition  
4 shall be filed, and the proceedings shall be handled, by either the  
5 district attorney or the county counsel of that county. The county  
6 board of supervisors shall designate either the district attorney or  
7 the county counsel to assume responsibility for proceedings under  
8 this article.

9 (j) The time limits set forth in this section shall not apply during  
10 the first year that this article is operative.

11 (k) If the person is otherwise subject to parole, a finding or  
12 placement made pursuant to this article shall toll the term of parole  
13 pursuant to Article 1 (commencing with Section 3000) of Chapter  
14 8 of Title 1 of Part 3 of the Penal Code.

15 (l) Pursuant to subdivision (d), the attorney designated by the  
16 county pursuant to subdivision (i) shall notify the State Department  
17 of Mental Health of its decision regarding the filing of a petition  
18 for commitment within 15 days of making that decision.

19 (m) This section shall become operative on the date that the  
20 director executes a declaration, which shall be provided to the  
21 fiscal and policy committees of the Legislature, including the  
22 Chairperson of the Joint Legislative Budget Committee, and the  
23 Department of Finance, specifying that sufficient qualified state  
24 employees have been hired to conduct the evaluations required  
25 pursuant to subdivision (d), or January 1, ~~2011~~ 2012, whichever  
26 occurs first.

27 *SEC. 5. Section 6601.3 of the Welfare and Institutions Code*  
28 *is amended to read:*

29 6601.3. (a) Upon a showing of good cause, the Board of Prison  
30 Terms may order that a person referred to the State Department  
31 of Mental Health pursuant to subdivision (b) of Section 6601  
32 remain in custody for no more than 45 days beyond the person's  
33 scheduled release date for full evaluation pursuant to subdivisions  
34 (c) to (i), inclusive, of Section 6601.

35 (b) *For purposes of this section, good cause means*  
36 *circumstances where there is a recalculation of credits or a*  
37 *restoration of denied or lost credits, a resentencing by a court, the*  
38 *receipt of the prisoner into custody, or equivalent exigent*  
39 *circumstances which result in there being less than 45 days prior*

- 1 *to the person's scheduled release date for the full evaluation*
- 2 *described in subdivisions (c) to (i), inclusive, of Section 6601.*

O