
Introduced by Senator Mountjoy

February 24, 1997

An act to amend Sections 6609.1, 6609.2, and 6609.3 of the Welfare and Institutions Code, relating to sexually violent predators.

LEGISLATIVE COUNSEL'S DIGEST

SB 536, as amended, Mountjoy. ~~Juveniles:—sexually~~
Sexually violent predators.

Existing law requires the State Department of Mental Health to notify local law enforcement officials 15 days prior to the scheduled release of a sexually violent predator.

This bill instead would require the department to notify local law enforcement officials 15 days prior to the submission to a court of its recommendation for community outpatient treatment for any person committed as a sexually violent predator or its recommendation not to pursue recommitment of ~~any such~~ *the* person.

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 6609.1 of the Welfare and
- 2 Institutions Code is amended to read:
- 3 6609.1. (a) When the State Department of Mental
- 4 Health is considering a recommendation to the court for



1 community outpatient treatment for any person
2 committed as a sexually violent predator, it shall notify
3 the sheriff or chief of police, or both, and the district
4 attorney, who has jurisdiction over the community in
5 which the person may be released. The notice shall be
6 given at least 15 days prior to the department's
7 submission of that recommendation to the court and shall
8 include the name of the person who is scheduled to be
9 released and the community in which civil commitment
10 was established.

11 (b) When the State Department of Mental Health is
12 considering a recommendation not to pursue
13 recommitment of any person committed as a sexually
14 violent predator, it shall provide written notice of that
15 release to the sheriff or police chief, or both, and to the
16 district attorney, who has jurisdiction over the
17 community in which civil commitment was established.
18 The notice shall be made at least 15 days prior to the date
19 on which the notification is to be forwarded from the
20 department to the court that will consider the
21 department's recommendation not to pursue the
22 extension of the civil commitment.

23 Those agencies receiving the notice referred to in this
24 subdivision shall have 15 days from receipt of the notice
25 to provide written comment to the department
26 regarding the impending release. Those comments shall
27 be considered by the department, which may modify its
28 decision regarding the community in which the person is
29 scheduled to be released, based on those comments.

30 (c) If the court orders the immediate release of a
31 sexually violent predator, the department shall notify the
32 sheriff or chief of police, or both, and the district attorney,
33 who has jurisdiction over the community in which the
34 person is scheduled to be released at the time of release.

35 (d) The notice required by this section shall be made
36 whether or not a request has been made pursuant to
37 Section 6609.

38 (e) The time limits imposed by this section are not
39 applicable where the release date of a sexually violent
40 predator has been advanced by a judicial or



1 administrative process or procedure that could not have
2 reasonably been anticipated by the State Department of
3 Mental Health and where, as the result of the time
4 adjustments, there is less than 30 days remaining on the
5 commitment before the inmate's release, but notice shall
6 be given as soon as practicable. In no case shall notice
7 required by this section to the appropriate agency be
8 later than the day of release. If, after the 45-day notice is
9 given to law enforcement and to the district attorney
10 relating to an out-of-county placement, there is change of
11 county placement, notice to the ultimate county of
12 placement shall be made upon the determination of the
13 county of placement.

14 SEC. 2. Section 6609.2 of the Welfare and Institutions
15 Code is amended to read:

16 6609.2. (a) When any sheriff or chief of police is
17 notified by the State Department of Mental Health of its
18 intention to make a recommendation to the court
19 concerning the disposition of a sexually violent predator
20 pursuant to subdivision (a) or (b) of Section 6609.1, that
21 sheriff or chief of police may notify any person designated
22 by the sheriff or chief of police as an appropriate recipient
23 of the notice.

24 (b) A law enforcement official authorized to provide
25 notice pursuant to this section, and the public agency or
26 entity employing the law enforcement official, shall not
27 be liable for providing or failing to provide notice
28 pursuant to this section.

29 SEC. 3. Section 6609.3 of the Welfare and Institutions
30 Code is amended to read:

31 6609.3. At the time a notice is sent pursuant to
32 subdivision (a) *or* (b) of Section 6609.1, the sheriff, chief
33 of police, or district attorney ~~notified of the release so~~
34 *notified* shall also send a notice to persons described in
35 Section 679.03 of the Penal Code who have requested a
36 notice, informing those persons of the fact that the person
37 who committed the sexually violent offense may be
38 released, together with information identifying the court
39 that will consider the conditional or unconditional
40 release. ~~Notice~~ *When a person is approved by the court*

1 *to be conditionally released, notice* of the community in
 2 which the person is scheduled to reside shall also be given
 3 only if it is (1) in the county of residence of a witness,
 4 victim, or family member of a victim who has requested
 5 notice, or (2) within 25 miles of the actual residence of a
 6 witness, victim, or family member of a victim who has
 7 requested notice. If, after providing the witness, victim,
 8 or next of kin with the notice, there is any change in the
 9 release status or the community in which the person is to
 10 reside, the ~~board~~ *sheriff, chief of police, or district*
 11 *attorney* shall provide the witness, victim, or next of kin
 12 with the revised information.

13 In order to be entitled to receive the notice set forth in
 14 this section, the requesting party shall keep the sheriff,
 15 chief of police, and district attorney who were notified
 16 under Section 679.03 of the Penal Code, informed of his
 17 or her current mailing address.

18 _____
 19 CORRECTIONS
 20 **Text — Page 4.**
 21 _____
 22

