

**Introduced by Senator Dutton**

February 18, 2011

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An act to amend Section 6602 of the Welfare and Institutions Code, relating to sexually violent predators.

LEGISLATIVE COUNSEL'S DIGEST

SB 787, as introduced, Dutton. Mental health: sexually violent predators.

Existing law provides a process for the civil commitment of a person who is determined by a court to be a sexually violent predator, prior to his or her release from the custody of the Department of Corrections and Rehabilitation.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

1 SECTION 1. Section 6602 of the Welfare and Institutions Code  
2 is amended to read:  
3 6602. (a) A judge of the superior court shall review the petition  
4 and shall determine whether there is probable cause to believe that  
5 the individual named in the petition is likely to engage in sexually  
6 violent predatory criminal behavior upon his or her release. The  
7 person named in the petition shall be entitled to assistance of  
8 counsel at the probable cause hearing. Upon the commencement  
9 of the probable cause hearing, the person shall remain in custody  
10 pending the completion of the probable cause hearing. If the judge

1 determines there is not probable cause, he or she shall dismiss the  
2 petition and any person subject to parole shall report to parole. If  
3 the judge determines that there is probable cause, the judge shall  
4 order that the person remain in custody in a secure facility until a  
5 trial is completed and shall order that a trial be conducted to  
6 determine whether the person is, by reason of a diagnosed mental  
7 disorder, a danger to the health and safety of others in that the  
8 person is likely to engage in acts of sexual violence upon his or  
9 her release from the jurisdiction of the Department of Corrections  
10 *and Rehabilitation* or other secure facility.

11 (b) The probable cause hearing shall not be continued except  
12 upon a showing of good cause by the party requesting the  
13 continuance.

14 (c) The court shall notify the State Department of Mental Health  
15 of the outcome of the probable cause hearing by forwarding to the  
16 department a copy of the minute order of the court within 15 days  
17 of the decision.