

SECOND REGULAR SESSION

HOUSE BILL NO. 1826

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOSMER, BRITT, SMITH, MARSH AND ROSS (Co-sponsors).

Read 1st time February 6, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4323L.01I

AN ACT

To repeal section 632.483, RSMo, and to enact in lieu thereof one new section relating to sexually violent predators.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 632.483, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 632.483, to read as follows:

632.483. 1. When it appears that a person may meet the criteria of a sexually violent predator, the agency with jurisdiction shall give written notice of such to the attorney general and the multidisciplinary team established in subsection 4 of this section. Written notice shall be given:

(1) Within three hundred sixty days prior to the anticipated release from a correctional center of the department of corrections of a person who has been convicted of a sexually violent offense, except that in the case of persons who are returned to prison for no more than one hundred eighty days as a result of revocation of postrelease supervision, written notice shall be given as soon as practicable following the person's readmission to prison;

(2) At any time prior to the release of a person who has been found not guilty by reason of mental disease or defect of a sexually violent offense; or

(3) At any time prior to the release of a person who was committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

2. The agency with jurisdiction shall [inform] **provide** the attorney general and the multidisciplinary team established in subsection 4 of this section [of] **with** the following:

(1) The person's name, identifying factors, anticipated future residence and offense

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 history; [and]

18 (2) Documentation of institutional adjustment and any treatment received or refused,
19 including the Missouri sexual offender program; and

20 **(3) A determination by either a psychiatrist or psychologist as defined in section**
21 **632.005, as to whether the person meets the definition of a sexually violent predator.**

22 3. The agency with jurisdiction, its employees, officials, members of the
23 multidisciplinary team established in subsection 4 of this section, members of the prosecutor's
24 review committee appointed as provided in subsection 5 of this section and individuals
25 contracting or appointed to perform services hereunder shall be immune from liability for any
26 conduct performed in good faith and without gross negligence pursuant to the provisions of
27 sections 632.480 to 632.513.

28 4. The director of the department of mental health and the director of the department of
29 corrections shall establish a multidisciplinary team consisting of no more than seven members,
30 at least one from the department of corrections and the department of mental health, and which
31 may include individuals from other state agencies to review available records of each person
32 referred to such team pursuant to subsection 1 of this section. The team, within thirty days of
33 receiving notice, shall assess whether or not the person meets the definition of a sexually violent
34 predator. The team shall notify the attorney general of its assessment.

35 5. The prosecutors coordinators training council established pursuant to section 56.760,
36 RSMo, shall appoint a five-member prosecutors' review committee composed of a cross section
37 of county prosecutors from urban and rural counties. No more than three shall be from urban
38 counties, and one member shall be the prosecuting attorney of the county in which the person
39 was convicted or committed pursuant to chapter 552, RSMo. The committee shall review the
40 records of each person referred to the attorney general pursuant to subsection 1 of this section.
41 The prosecutors' review committee shall make a determination of whether or not the person
42 meets the definition of a sexually violent predator. The determination of the prosecutors' review
43 committee or any member pursuant to this section or section 632.484 shall not be admissible
44 evidence in any proceeding to prove whether or not the person is a sexually violent predator.
45 The assessment of the multidisciplinary team shall be made available to the attorney general and
46 the prosecutors' review committee.