

HCS SB 188 -- CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

SPONSOR: Romine (Engler)

COMMITTEE ACTION: Voted "Do Pass by Consent" by the Special Standing Committee on Corrections by a vote of 8 to 0.

This substitute revises the definition of "sexually violent offense" to include sexual abuse in the first degree, sexual assault in the first degree, deviate sexual assault in the first degree, and an act of abuse of a child involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to these offenses.

Currently, a sexually violent predator who has been civilly committed is allowed to petition the court for conditional release over the objections of the Director of the Department of Mental Health. The petition must be served upon the court that committed the person, the Director of the Department of Mental Health, the head of the facility housing the offender, and the Attorney General. The substitute requires the petition to also be served to the prosecutor of the jurisdiction into which the committed person is to be released.

When a person who has been granted conditional release is being electronically monitored and remains in the county, city, town, or village where the facility is located that released the person, the Department of Corrections must provide the chief of the local law enforcement agency with access to the information gathered by global positioning system or other technology used to monitor the offender. The information obtained must be closed and cannot be disclosed to any person outside of the law enforcement agency except upon an order of the court supervising the conditional release.

The substitute contains an emergency clause.

PROPOSERS: Supporters say that it is important that the local prosecutor be notified when an offender is to be released in a particular community. It is also necessary to update the statutes regarding sexual offenders.

Testifying for the bill were Senator Romine; Department of Mental Health; and Office of the Attorney General.

OPPOSERS: There was no opposition voiced to the committee.