

HCS SB 188 -- CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

This bill revises the definition of "sexually violent offense" for the purposes of civil commitment to include sexual abuse in the first degree; sexual assault in the first degree; deviate sexual assault in the first degree; the act of abuse of a child involving 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 department director, the head of the facility housing the offender, and the Attorney General. The bill requires the petition to also be served to the prosecuting attorney of the jurisdiction into which the committed person is to be released.

The Department of Corrections must provide, upon request, access by the chief of the local law enforcement agency to the information gathered by the global positioning system or other technology used to monitor a person who has been granted conditional release from the department upon the determination by a court or jury that he or she is not likely to commit acts of sexual violence if released when the person is being electronically monitored and remains in the county, city, town, or village where the releasing facility is located. The information obtained must be closed and cannot be disclosed to any person outside the agency except upon an order of the court supervising the conditional release.

The provisions of the bill regarding the definition of a sexually violent offense contain an emergency clause.