

SENATE BILL REPORT

SB 6405

AS PASSED SENATE, FEBRUARY 18, 1992

Brief Description: Clarifying civil commitment standards for sexually violent predators.

SPONSORS: Senators Nelson and Skratek

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, M. Kreidler, Madsen, Rasmussen, and A. Smith.

Staff: Jon Carlson (786-7459)

Hearing Dates: February 3, 1992; February 5, 1992

BACKGROUND:

Under the civil commitment provisions of the 1990 Community Protection Act, individuals who are found to be sexually violent predators must be committed to the Department of Social and Health Services until such time as the person's mental abnormality or personality has so changed that the person is safe to be at large.

Recently, minor inconsistencies in language have been found between the terminology which describes the standard of proof required at the commitment trial ("likely to engage in predatory acts of sexual violence"), and that which is required at the two types of post-commitment release hearings ("likely to commit predatory acts of sexual violence/will engage in acts of sexual violence").

In order to ensure clarity of meaning, and avoid the possibility of any inappropriate release of dangerous persons, it is recommended that the elements of proof be made consistent throughout the statute.

SUMMARY:

The standard of proof required at the civil commitment trial and post-commitment release hearings are made consistent ("likely to engage in predatory acts of sexual violence").

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This technical amendment further clarifies the Community Protection Act by making the standard of proof consistent throughout the civil commitment portion of the act.

TESTIMONY AGAINST: None

TESTIFIED: Jeanne Tveten, Assistant Attorney General