

Advance Notification of the Potential Release of Sexually Violent Predators

When the Superior Court sets a hearing to make a determination concerning the conditional release of a sexually violent predator (SVP) into the community and/or to consider a suitable residence for the SVP, it generates a great deal of community concern and requires proactive community engagement. While such matters are rare, Welfare and Institutions Code Sections 6609.1(a)(1) and 6609.2 provide notice to the District Attorney and the Sheriff.

Specifically, Welfare and Institutions Code § 6609.1. (a)(1) states that when the State Department of State Hospitals makes a recommendation to the court for community outpatient treatment for any person committed as a sexually violent predator, or when a person who is committed as a sexually violent predator pursuant to this article has petitioned a court pursuant to Section 6608 for conditional release under supervision and treatment in the community pursuant to a conditional release program, or has petitioned a court pursuant to Section 6608 for subsequent unconditional discharge, and the department is notified, or is aware, of the filing of the petition, and when a community placement location is recommended or proposed, the department shall notify the sheriff or chief of police, or both, the district attorney, or the county's

MOTION

MITCHELL	_____
KUEHL	_____
HAHN	_____
BARGER	_____
SOLIS	_____

designated counsel, that have jurisdiction over the following locations:

- (A) The community in which the person may be released for community outpatient treatment.
- (B) The community in which the person maintained his or her last legal residence as defined by Section 3003 of the Penal Code.
- (C) The county that filed for the person's civil commitment pursuant to this article.

Welfare and Institutions Code § 6609.2 states that when any sheriff or chief of police is notified by the State Department of State Hospitals of its recommendation to the court concerning the disposition of a sexually violent predator pursuant to [subdivision \(a\)](#) or [\(b\) of Section 6609.1](#), that sheriff or chief of police may notify any person designated by the sheriff or chief of police as an appropriate recipient of the notice.

I, THEREFORE, MOVE that the Board of Supervisors request the District Attorney and the Sheriff to:

1. Notify the Board of Supervisors when the State Department of State Hospitals makes a recommendation to the court for community outpatient treatment for any person committed as a sexually violent predator and the subsequent ruling by the court; and,
2. Notify the Supervisor representing the district where a suitable placement is going to be considered by the court.

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