

Committee on Children, Families, and Elder Affairs

CS/CS/SB 522 — Involuntary Civil Commitment of Sexually Violent Predators

by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senators Grimsley and Detert

The bill (Chapter 2014-2, L.O.F.) requires additional persons to be assessed for civil commitment as a sexually violent predator. Such persons include those in municipal or county jails who have a prior criminal offense for which the state attorney previously referred them to the Department of Children and Families for civil commitment proceedings.

The definition of “total confinement” is amended to include persons serving a sentence in a county or municipal jail for a sexually violent offense. The term also includes cases in which a court determined that the person should have been released at an earlier date and should have been assessed for civil commitment as a sexually violent predator when they were released. This provision will allow the Department of Children and Families to assess individuals for civil commitment as sexually violent predators who were inadvertently released from custody.

The bill makes improvements to the operations of the five-member multidisciplinary team within the Department of Children and Families that assesses persons for possible civil commitment. The bill requires the department to recommend that the state attorney file a petition for civil commitment when two or more members of the multidisciplinary team determine that the person meets the definition of a sexually violent predator. The bill also requires the team to treat an attempt, solicitation, or conspiracy to commit a sexually violent offense, the same as if the person completed the sexually violent offense.

The bill allows both the civilly committed sexually violent predator and the state attorney to be present and provide evidence at a hearing to determine whether the sexually violent predator may be discharged safely from civil commitment.

The bill facilitates monitoring of sexually violent predators by requiring the Department of Children and Families to provide notice to local law enforcement agencies when a sexually violent predator is released. The department must also alert the state attorney when a person who was previously committed as a sexually violent predator is arrested for a subsequent criminal offense. The bill requires the department to notify victims of the release of sexual offenders who are detained by the sexually violent predator program, based on a finding of probable cause, but who were not committed.

The Department of Corrections is required to compile recidivism data on persons referred, detained, or committed to the sexually violent predator program.

These provisions were approved by the Governor and take effect July 1, 2014.

Vote: Senate 40-0; House 118-0