

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-903 of the Code of Virginia, relating to civil commitment of*
3 *sexually violent predators; evaluation.*

4
5 Approved

[S 529]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 37.2-903 of the Code of Virginia is amended and reenacted as follows:**

8 § 37.2-903. Database of prisoners convicted of sexually violent offenses; maintained by Department
9 of Corrections; notice of pending release to CRC.

10 A. The Director shall establish and maintain a database of each prisoner in his custody who is (i)
11 incarcerated for a sexually violent offense or (ii) serving or will serve concurrent or consecutive time for
12 another offense in addition to time for a sexually violent offense. The database shall include the
13 following information regarding each prisoner: (a) the prisoner's criminal record and (b) the prisoner's
14 sentences and scheduled date of release. A prisoner who is serving or will serve concurrent or
15 consecutive time for other offenses in addition to his time for a sexually violent offense, shall remain in
16 the database until such time as he is released from the custody or supervision of the Department of
17 Corrections or Virginia Parole Board for all of his charges. Prior to the initial assessment of a prisoner
18 under subsection C, the Director shall order a national criminal history records check to be conducted on
19 the prisoner.

20 B. Each month, the Director shall review the database and identify all such prisoners who are
21 scheduled for release from prison within 10 months from the date of such review who receive a score of
22 five or more on the Static-99 or a similar score on a comparable, scientifically validated instrument
23 designated by the Commissioner, or a score of four on the Static-99 or a similar score on a comparable,
24 scientifically validated instrument if the sexually violent offense mandating the prisoner's evaluation
25 under this section was a violation of § 18.2-67.3 where the victim was under the age of 13 and suffered
26 physical bodily injury and any of the following where the victim was under the age of 13: § 18.2-61,
27 18.2-67.1, or 18.2-67.2.

28 C. If the Director and the Commissioner agree that no specific scientifically validated instrument
29 exists to measure the risk assessment of a prisoner, the prisoner may instead be ~~evaluated~~ *screened* by a
30 licensed psychiatrist ~~or~~, licensed clinical psychologist, *or a licensed mental health professional certified*
31 *by the Board of Psychology as a sex offender treatment provider pursuant to § 54.1-3600* for an initial
32 determination of whether or not the prisoner may meet the definition of a sexually violent predator.

33 D. Upon the identification of such prisoners, the Director shall forward their names, their scheduled
34 dates of release, and copies of their files to the CRC for assessment.

ENROLLED

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