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**HOUSE BILL NO. 1852**

Offered January 9, 2019

Prefiled January 2, 2019

A *BILL to amend and reenact § 37.2-911 of the Code of Virginia, relating to civil commitment of sexually violent predators; petition for release; procedures.*

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Patron—Hope

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Referred to Committee for Courts of Justice

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**Be it enacted by the General Assembly of Virginia:****1. That § 37.2-911 of the Code of Virginia is amended and reenacted as follows:****§ 37.2-911. Petition for release; hearing; procedures.**

A. The Commissioner may petition the committing court for conditional release of the committed respondent at any time he believes the committed respondent's condition has so changed that he is no longer in need of secure inpatient treatment. The Commissioner may petition the committing court for unconditional release of the committed respondent at any time he believes the committed respondent's condition has so changed that he is no longer a sexually violent predator. The petition shall be accompanied by a report of clinical findings supporting the petition and by a conditional release or discharge plan, as applicable, prepared by the Department. The committed respondent may petition the committing court for release only once in each year in which no annual judicial review is required pursuant to § 37.2-910. The party petitioning for release shall transmit a copy of the petition to the Attorney General, the Commissioner, and the attorney for the Commonwealth for the locality that is the proposed location of the respondent's residence upon his conditional release.

B. Upon the submission of a petition pursuant to this section, the committing court shall conduct the proceedings according to the procedures set forth in § 37.2-910. *However, when a petition for release is made by the Commissioner, a second evaluation of the committed respondent shall not be required unless otherwise deemed necessary by the court. If the court determines that a second evaluation is necessary, the court shall conduct the proceedings according to the procedures set forth in § 37.2-910.*

INTRODUCED

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