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HOUSE BILL NO. 1324

Offered January 25, 1994

A BILL to amend the Code of Virginia by adding in Chapter 2 of Title 53.1 an article numbered 2.2, consisting of sections numbered 53.1-40.11 through 53.1-40.14, relating to treatment programs for sex offenders.

Patron—Copeland

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 53.1 an article numbered 2.2, consisting of sections numbered 53.1-40.11 through 53.1-40.14, as follows:

Article 2.2.

Sexual Offender Treatment Program.

§ 53.1-40.11. Sexual offender treatment program established.

The Board shall promulgate regulations to establish within the Department a comprehensive program of education, therapy, rehabilitation and other treatment for sex offenders committed to the Department. The regulations shall include, at a minimum, that:

1. Such program shall have facilities for the treatment of persons who are imprisoned as well as persons who are under probation or parole supervision;

2. All persons sentenced to serve a term of imprisonment in a state correctional facility upon a felony conviction of an offense under §§ 18.2-61, 18.2-63, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or § 18.2-370.1 shall receive treatment through the program;

3. At each facility where the Department operates a program, there shall be available a psychiatrist, clinical psychologist or other mental health professional trained in the diagnosis and treatment of sexual behavior disorders to participate in the program; and

4. No person receiving treatment under the program shall be considered to have successfully completed it until a mental health professional participating in or operating the program certifies that the person receiving treatment no longer presents a significant risk to engage in violent criminal sexual behavior.

Records of the diagnosis, treatment and progress of a person receiving treatment under the program shall be maintained and made available to the Parole Board prior to such person being considered for parole release.

§ 53.1-40.12. Parole eligibility.

Notwithstanding any other provision of law, no person receiving treatment under the program and who is serving a sentence for an offense committed on or after July 1, 1994, shall be eligible for parole until he has been certified as successfully completing the program.

§ 53.1-40.13. Involuntary commitment.

Any person receiving treatment under the program, who will be discharged from the custody of the Department within sixty days but has not been certified as successfully completing the program, shall be deemed mentally ill to a degree warranting hospitalization pursuant to § 53.1-40.2 and may be involuntarily admitted to a hospital or facility for the care and treatment of the mentally ill pursuant to the provisions of Article 2.1 (§ 53.1-40.1 et seq.) of this chapter.

§ 53.1-40.14. Treatment as a condition of probation or parole.

A. Any person convicted of an offense under any provision of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or an offense under § 18.2-370 or § 18.2-370.1 whose sentence includes a term of probation shall, as a condition of that probation, receive treatment under the program.

B. Any person who is (i) paroled after successfully completing the program offered within a facility or (ii) paroled after serving a sentence for any sexual offense shall, as a condition of that parole, receive treatment under the program.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$ 9,287,817.

INTRODUCED

HB1324