

993482825

SENATE JOINT RESOLUTION NO. 332

Offered January 15, 1999

Requesting the Virginia State Crime Commission to continue its study on the civil commitment of violent sexual predators.

Patrons—Howell, Bolling, Norment, Reynolds, Stolle and Walker; Delegates: Almand, Deeds, Guest, McEachin, Moran and Woodrum

Referred to Committee on Rules

WHEREAS, the United States Supreme Court in *Kansas v. Hendricks* upheld the constitutionality of civil commitment of violent sex offenders who have completed their criminal sentence; and

WHEREAS, the Virginia State Crime Commission examined the issue of civil commitment of sexual predators in 1998 and made a number of recommendations for legislative and budget changes to the 1999 General Assembly; and

WHEREAS, the Commission found that there were a number of critical issues in Virginia which needed to be addressed in order to implement a sex offender civil commitment statute, including (i) the availability of sex offender treatment within the prison system, (ii) the availability of a facility within the mental health system for the civil commitment procedure, and (iii) the long-range cost of civil commitment of sex offenders; and

WHEREAS, the Commission has recommended the provision of clinical sex offender treatment services in the Department of Corrections; and

WHEREAS, the Commission found that no mental health facility suitable for housing violent sexual predators is available at this time; and

WHEREAS, the Commission found the existing problems within the mental health system need to be addressed prior to establishing a new program for civil commitment of sexual predators within the system; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be requested to continue its study on the civil commitment of violent sexual predators who have completed their sentence and are subject to release back into the community. The Commission shall evaluate (i) the impact of parole abolition, (ii) enhanced penalties for sexual crimes, (iii) enhanced community supervision of sex offenders, and (iv) the assessment and treatment of sex offenders on the reduction of sexual offending in the Commonwealth. The Commission shall make recommendations as to whether these strategies are sufficient to reduce the incidence of sex offending and whether the Commonwealth should go forward with a program for the civil commitment of sexual predators.

All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The Commission shall collaborate with the Joint Subcommittee Studying the Future Delivery of Publicly Funded Mental Health, Mental Retardation and Substance Abuse Services and the Hammond Commission to address the best approach for addressing the care and commitment of violent sex offenders who have completed their sentence but continue to pose a serious public safety threat.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

SJ332