

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 13, 2011  
POSITION: Neutral

BILL NUMBER: SB 179  
AUTHOR: F. Pavley  
RELATED BILLS: AB 117 (Chapter 39, Statutes of 2011)

**BILL SUMMARY: Sex Offenders: Parole**

This bill would provide that for any person subject to a Sexually Violent Predator (SVP) proceeding, an order issued by a judge pursuant to specified provisions, finding that the petition supports a finding of probable cause to believe that the person is likely to engage in sexually violent criminal behavior upon his or her release, shall toll the period of parole of that person, from the date that person is released until a specified court order is entered.

**FISCAL SUMMARY**

According to the California Department of Corrections and Rehabilitation (CDCR) and the Department of Mental Health (DMH), any costs as a result of this measure would be minor and absorbable.

**SUMMARY OF CHANGES**

Amendments to this bill since our analysis of the original version are minor and do not alter our position.

**COMMENTS**

The Department of Finance is neutral on this measure.

Existing law:

- Provides for the civil commitment for psychiatric and psychological treatment of a prison inmate found to be a SVP after the person has served his or her prison commitment.
- Defines a SVP as an inmate who has been convicted of a sexually violent offense against one or more victims and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.
- Defines a "diagnosed mental disorder" as one that includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.
- Provides that where, pursuant to a screening process by the CDCR or the Board of Parole Hearings, an inmate fits the criteria for evaluation as a SVP, the inmate shall be referred for evaluation to the DMH.
- Provides that the inmate shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health.
- Provides that if the prosecutor concurs with the recommendation of DMH, the prosecutor shall file a petition for commitment.

(Continued)

**COMMENTS** (continued)

Analyst/Principal (0232) J. Howard	Date	Program Budget Manager Lisa Ann L. Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)

F. Pavley

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- Provides that where the court finds probable cause that the person is an SVP, a formal trial upon proof beyond a reasonable doubt is held and if the state prevails, the SVP is committed to DMH for treatment for an indeterminate period of time.
- Provides that the parole period of any person found to be a SVP shall be tolled until that person is found to no longer be a SVP, at which time the period of parole, or any remaining portion thereof, shall begin to run.

This bill would:

- Provide that for any person subject to a sexually violent predator proceeding, as specified, an order issued by a judge pursuant to specified provisions, finding that the petition supports a finding of probable cause to believe that the person is likely to engage in sexually violent criminal behavior upon his or her release, shall toll the period of parole of that person, if the person is committed to the State Department of Mental Health as a sexually violent predator, from the date that person is released until a specified court order is entered.
- Provide that if the person is not committed to the State Department of Mental Health as a sexually violent predator, the parole period shall not be tolled.
- Incorporate changes made by AB 117 (Chapter 39, Statutes of 2011), which has been chaptered but is not yet operative, to become operative if both this bill and AB 117 become operative.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO RV	PROP 98	FC	2011-2012 FC	2012-2013 FC	2013-2014 FC			
5225/Corr & Rehab	SO	No			----- No/Minor Fiscal Impact -----			0001	
4440/Mental Hth	SO	No			----- No/Minor Fiscal Impact -----			0001	