

# SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT BY STATE <sup>1</sup>

- **Civil Commitment:** As of March 14, 2007, 20 States civilly commit sex offenders. Of these 20 States **11 states civilly commit juvenile sex offenders**. Pennsylvania is the only state that civilly commits juveniles but not adults.
  - On January 1, 2007, New Hampshire's civil commitment law went in to effect, bringing the total number of states that civilly commit sex offenders to 19.
  - On March 14, 2007, Governor Elliot Spizer signed New York's civil commitment bill into law, making New York the 20<sup>th</sup> state to enact civil commitment legislation. The Act will go in to effect on April 14, 2007.
- **Registration:** Currently, 32 states register juveniles. The only states that do not currently register juveniles are; AK, AZ, CT, GA, HI, Maine, Neb, TN, N.H., N.M, PA. This will change in 2008, under the newly passed Adam Walsh Act. Under the new Act ALL juveniles in the United States, adjudicated delinquent for certain offenses will be required to register as sex offenders for life.

State	Statue Reference	Commits Adults	Commits Juveniles	Eligibility <sup>1</sup>	Standard
1. AZ	36-3701 et seq.	Yes	No	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in sexual violence.	Reasonable Doubt
2. CA	S.B. 1143; CA Welfare & Inst. Code §1800	Yes	Yes	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in sexual violence	Reasonable Doubt
3. FL	HB 3327	Yes	Yes <sup>2</sup>	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in acts of sexual violence.	Clear and convincing
4. IA	229A et. seq.	Yes	No	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in predatory acts constituting sexually violent offenses.	Reasonable Doubt

<sup>1</sup> Eligibility includes conviction (in some case adjudication) for an enumerated sexual offense. EXCEPT Minnesota and North Dakota require no previous criminal offense but require a history of similar sexual misconduct.

<sup>2</sup> In Florida, when a child between the ages of 18-21 years, who has failed in a juvenile treatment program can be civilly committed under the State's Jimmy Ryce Statute.

State	Statute Reference	Commits Adults	Commits Juveniles	Eligibility <sup>1</sup>	Standard
5. IL	725 ILCS 207/1 et seq.	Yes	Yes	<ol style="list-style-type: none"> <li>1. Presence of a sexual-, mental-, or personality disorder or abnormality, and</li> <li>2. Substantially probable that the person will engage in acts of sexual violence.</li> </ol>	Reasonable Doubt
6. KS	59-29a01 et seq.	Yes	No	<ol style="list-style-type: none"> <li>1. Presence of a sexual-, mental-, or personality disorder or abnormality, and</li> <li>2. Likely to engage in predatory acts of sexual violence.</li> </ol>	Reasonable Doubt
7. MA	Mass. G.L. c. 123A Part I, Title XVII, Chap. 123A § 1 et seq.	Yes	Yes	<ol style="list-style-type: none"> <li>1. Presence of a sexual-, mental-, or personality disorder or abnormality, and</li> <li>2. Likely to engage in sexual offenses again.</li> </ol>	Reasonable Doubt
8. MO	632.480 et seq.	Yes	No	<ol style="list-style-type: none"> <li>1. Presence of a sexual-, mental-, or personality disorder or abnormality, and</li> <li>2. More likely than not to engage in predatory acts of sexual violence.</li> </ol>	Clear and Convincing <sup>3</sup>
9. MN <sup>♦</sup>	253B.01 et seq.	Yes	No	<ol style="list-style-type: none"> <li>1. Presence of a sexual-, mental-, or personality disorder or abnormality, and</li> <li>2. Likely to engage in acts of harmful sexual conduct.</li> </ol>	Clear and Convincing
10. NE	Nebraska Revised Statute (NRS) §83-174.02(2) (Sec. 88(2) of LB 1199)	Yes <sup>4</sup>	No	<ol style="list-style-type: none"> <li>1. A person who suffers from a <u>mental illness</u> (generally an Axis I diagnosis) which makes them likely to engage in repeat acts of sexual violence (such as pedophilia), who has been <u>convicted of one or more sexual offenses</u>, and who is substantially unable to control his or her criminal behavior, <i>or</i></li> <li>2. A person with a <u>personality disorder</u> (an Axis II diagnosis) which makes the person likely to engage in repeat acts of sexual violence, who has been <u>convicted of two or more</u></li> </ol>	

<sup>3</sup> Effective June 5, 2006, Missouri lowered its burden of proof from reasonable doubt to clear and convincing evidence.

<sup>♦</sup> MN and ND do require any previous conviction (adjudication) they merely require a history of similar sexual misconduct.

State	Statue Reference	Commits Adults	Commits Juveniles	Eligibility <sup>1</sup>	Standard
				<u>sex offenses</u> , and who is substantially unable to control his or her criminal behavior.	
11. ND <sup>♦</sup>	25.03-3.01 et. seq.	Yes	No	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in further acts of sexually predatory conduct.	Clear and Convincing
12. NH	HB 1692 <sup>5</sup>	Yes	Yes	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in acts of sexual violence.	Clear and Convincing
13. NJ	30:4-27.24 et seq.	Yes	Yes	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Highly likely to engage in crimes of sexual violence if not confined.	Clear and convincing
14. NY	NY Senate Bill 3318	Yes	No	1. Presence of a mental abnormality involving such a strong predisposition to commit sex offenses; and 2. Such an inability to control behavior that the respondent is likely to be a danger to others and to commit sex offenses if not confined to a secure treatment facility.	Clear & Convincing
15. PA <sup>6</sup>	2003- S.B. 521	No	Yes (9-10/2006)	1. currently in an juvenile delinquent facility AND remains in the facility upon attaining 20 years of age, 2. Significant risk to reoffend after reaching the age of 21 due to a mental abnormality or personality disorder which results in serious difficulty in controlling sexually violent behavior that makes the person likely to engage in an act of sexual violence.	Clear & Convincing (?)

♦ same

<sup>4</sup> Nebraska Revised Statute (NRS) §83-174.02(2) (Sec. 88(2) of LB 1199) appears to use civil commitment as the “last resort” and the purpose of the Act is to find the “least restrictive setting” available.

<sup>5</sup> Effective date of the civil commitment provision is January 1, 2007.

State	Statue Reference	Commits Adults	Commits Juveniles	Eligibility <sup>1</sup>	Standard
16. SC	44-48-10 et seq.	Yes	Yes	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in acts of sexual violence.	Reasonable Doubt
17. TX <sup>7</sup>	1999- S.B. 365	Yes	Yes	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in a predatory acts of sexual violence.	Reasonable Doubt
18. VA	37.1-70 et seq. (2004)	Yes	No	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to commit sexually violent offenses.	Reasonable Doubt
19. WA	1990 -RCW 71.09	Yes	Yes (6 - 4/2006)	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Likely to engage in predatory acts of sexual violence	Reasonable Doubt
20. WI	980.01 et seq.	Yes	Yes	1. Presence of a sexual-, mental-, or personality disorder or abnormality, and 2. Substantially probable that the person will engage in acts of sexual violence.	Reasonable Doubt

<sup>6</sup> Pennsylvania is the only state that allows for the civil commitment of juvenile sex offenders yet has no process of civilly committing adult sex offenders.

<sup>7</sup> Outpatient only