RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes [X] No)

Recommend that the District Attorney is designated to assume the responsibility of filing petitions for commitment under AB 888. AB 888 provides for a civil commitment following the completion of a prison term for a person who has been convicted of a sexually violent offense involving one or more persons. It must be shown that the offender's primary purpose was that of victimization and that the person is predisposed to continue to commit sexually predatory acts. Petitions for commitment under AB 888 are to be filed in the county in which the person was convicted.

AB 888 also provides that the Board of Supervisors must designate either the District Attorney or County Counsel to assume the responsibility of filing these petitions for commitment. The District Attorney's office would have readily available the specific information relevant to such cases. The District Attorney is in agreement that her office is the logical choice for these commitments as noted in her letter of December 14, 1995 included in this package.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Designate the District Attorney as the office to assume the responsibility for proceedings under AB 888.
- Assign the responsibility to County Counsel's office. Counsel's office, however, would not have the necessary information relating to each case readily available.
MEMORANDUM

DATE: December 14, 1995
TO: Jeff Green, Mariposa County Counsel
FROM: Christine Johnson
Mariposa County District Attorney
RE: AB 888 (Sexually Violent Predators)

Thank you for your letters dated December 11, 1995 and December 14, 1995 regarding Assembly Bill 888 which I am familiar with and which becomes effective on January 1, 1995.

AB 888 provides for a civil commitment following the completion of a term of imprisonment for persons who have been convicted of a sexually violent offense involving one or more victims. The bill specifies that petitions for commitment under AB 888 are to be filed in the County in which the person was convicted of the offense.

The Department of Mental Health is currently conducting the required evaluations and soon it will commence referring cases to counties. I agree with your opinion that the District Attorney's Office should be the designated (if not logical) counsel for these commitments.