

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing PCB: Judiciary Committee
2 Representative Hutson offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 231-292 and insert:

6 (c) The multidisciplinary team shall assess and evaluate
7 each person referred to the team. The multidisciplinary team
8 shall prioritize the assessment and evaluation of persons
9 referred under subsection (1) based upon the person's scheduled
10 release date. The assessment and evaluation must ~~shall~~ include a
11 review of the person's institutional history and treatment
12 record, if any, the person's criminal background, and any other
13 factor that is relevant to the determination of whether the such
14 person is a sexually violent predator.

15 (d) The multidisciplinary team may consult with law
16 enforcement agencies and victim advocate groups during the
17 assessment and evaluation process. A clinical evaluation of the

Amendment No. 3

18 person may be conducted. A second clinical evaluation must be
19 conducted if a member of the multidisciplinary team questions
20 the conclusion of the first clinical evaluation. All members of
21 the multidisciplinary team shall review, at a minimum, the
22 information provided in subsection (2) and any clinical
23 evaluation before making a recommendation pursuant to paragraph
24 (f).

25 (e) ~~(e)~~ Before recommending that a person meets the
26 definition of a sexually violent predator, the person must be
27 offered a personal interview. If the person agrees to
28 participate in a personal interview, at least one member of the
29 team who is a licensed psychiatrist or psychologist must conduct
30 a personal interview of the person. If the person refuses to
31 fully participate in a personal interview, the multidisciplinary
32 team must ~~may~~ proceed with its recommendation without the a
33 ~~personal~~ interview ~~of the person~~.

34 (f) The multidisciplinary team shall complete all clinical
35 evaluations and provide the state attorney a written assessment
36 and recommendation as to whether the person meets the definition
37 of a sexually violent predator at least 1 month before the
38 person's scheduled release date from the Department of
39 Corrections, the Department of Juvenile Justice, or the
40 Department of Children and Families. The multidisciplinary team
41 shall complete all clinical evaluations and provide the state
42 attorney a written assessment and recommendation as to whether
43 the person meets the definition of a sexually violent predator

PCS for HB 7019 a3

Published On: 2/28/2014 5:19:52 PM

Amendment No. 3

44 at least 24 hours before the person's scheduled release date
45 from a county or municipal jail.

46 1. The department must recommend that the state attorney
47 file a petition for civil commitment if at least two members of
48 the multidisciplinary team determine that the person meets the
49 definition of a sexually violent predator.

50 2. When the department determines that a person who has
51 received a clinical evaluation does or does not meet the
52 definition of a sexually violent predator, the written
53 assessment and recommendation shall be sent to the state
54 attorney. If the state attorney questions, in writing, the
55 determination that the person does or does not meet the
56 definition of a sexually violent predator, the multidisciplinary
57 team must reexamine the case before a final written assessment
58 and recommendation is provided to the state attorney.

59 (g)-(d) The Attorney General's Office shall serve as legal
60 counsel to the multidisciplinary team.

61 ~~(e)1. Within 180 days after receiving notice, there shall~~
62 ~~be a written assessment as to whether the person meets the~~
63 ~~definition of a sexually violent predator and a written~~
64 ~~recommendation, which shall be provided to the state attorney.~~
65 ~~The written recommendation shall be provided by the Department~~
66 ~~of Children and Family Services and shall include the written~~
67 ~~report of the multidisciplinary team.~~

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PCS for HB 7019 a3

Published On: 2/28/2014 5:19:52 PM

Amendment No. 3

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T I T L E A M E N D M E N T

Remove lines 19-33 and insert:

municipal jail facility; requiring the multidisciplinary team to
prioritize assessments by a person's release date; authorizing
the multidisciplinary team to consult with law enforcement
agencies and victim advocate groups as part of the assessment
and evaluation process; authorizing a clinical evaluation;
requiring a second clinical evaluation under certain
circumstances; requiring the multidisciplinary team to send to
the state attorney a written assessment and determination as to
whether a person meets the definition of a sexually violent
predator by specified deadlines; requiring the Department of
Children and Families to recommend that the state attorney file
a civil commitment petition under certain circumstances;
requiring the department to send a recommendation to the state
attorney for further review under certain circumstances if a
person does not meet the definition of a sexually violent
predator; requiring the multidisciplinary team to reexamine the
case under certain circumstances;