

SPECIAL DIRECTIVE 21-03

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: SHARON L. WOO 
Chief Deputy District Attorney

SUBJECT: REVISION OF LEGAL POLICY MANUAL SECTIONS 12.11
AND 16.05

DATE: OCTOBER 20, 2021

Effective immediately, this Special Directive revises sections 12.11 and 16.05 of the Legal Policies Manual (LPM), which reference the commitment period for Sexually Violent Predators. Specifically, the previous sections reference the potential for a two-year commitment that may be periodically renewed for an indeterminate period. However, subsequently, the law has changed. Welfare and Institutions Code § 6604 states: “If the court or jury determines that the person is a sexually violent predator, the person shall be **committed for an indeterminate term** to the custody of the State Department of State Hospitals for appropriate treatment and confined in a secure facility designated by the Director of State Hospitals.” Therefore, both sections 12.11 and 16.05 of the LPM are updated to reflect the current state of the law.

The text of former section 12.11 is deleted and replaced as follows:

12.11 SEXUALLY VIOLENT PREDATORS

Welfare and Institutions Code §§ 6600 et seq. permit the involuntary hospitalization of persons convicted of sexually violent offenses following the completion of a prison sentence. Sexually violent offenses are defined in Welfare and Institutions Code § 6600, subdivision (b).

Deputies shall advise defendants who plead guilty to a sexually violent offense that if the defendant is found to meet the criteria set forth in Welfare and Institutions Code § 6600, the defendant may, after completion of their prison sentence, be involuntarily committed to a state mental hospital for an indeterminate term for treatment until such time as they are deemed safe for release into the community.

The text of former section 16.05 is deleted and replaced as follows:

16.05 SEXUALLY VIOLENT PREDATORS (SVP)

Welfare and Institutions Code §§ 6600 et seq., effective January 1, 1996, permit the involuntary hospitalization of persons convicted of a sexually violent offense and who have a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely

that the person will engage in predatory sexually violent criminal behavior. Individuals committed for petitions filed prior to September 20, 2006, were subject to a two-year commitment. Petitions filed after that date, including petitions to re-commit people previously committed for a two-year term, have the potential for an indeterminate commitment.

SVP proceedings begin following the completion of a prison sentence. SVP proceedings are special proceedings of a civil nature and are handled by the Sexually Violent Predator Unit of the Sex Crimes Division.

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