



Subject Text

Meeting materials
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Title

Rules and Forms | Commitment Orders for Sexually Violent Predators (Action Required)

Summary

The Criminal Law Advisory Committee recommends revising Order for Commitment (form CR-173) and revoking Order for Extended Commitment (form CR-174) to incorporate changes to the statutes governing sexually violent predator proceedings (Welf. & Inst. Code, § 6600 et seq.), replace gender-specific pronouns, and incorporate revisions for procedural efficiency, accuracy, and clarity.

Recommendation

The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2022:

1. Revise *Order for Commitment* (form CR-173) to:
 - a. Update the findings section to require one or more convictions of a qualifying offense to reflect Welfare and Institutions Code section 6600;
 - b. Modify the reference to sexually violent predatory criminal behavior to exclude the term “predatory,” to reflect the statutory language of Welfare and Institutions Code section 6600;
 - c. Replace references to the California Department of Mental Health with the California Department of State Hospitals, to reflect the transfer of duties regarding sexually violent predators made by Assembly Bill 1470 (Stats. 2012, ch. 24);
 - d. Replace references to the two-year custody limit with an indeterminate term, and eliminate references to extended commitment requirements, to reflect statutory changes to custody terms made by Senate Bill 1128 (Stats. 2006, ch. 337) and the Sexual Predator Punishment and Control Act (Proposition 83);
 - e. Replace gender-specific pronouns;
 - f. Identify the county of domicile for purposes of discharge under Welfare and Institutions Code section 6608.5, to promote court efficiencies by having the identification occur at an earlier stage of the proceedings;
 - g. Eliminate references to confinement at a specific state hospital, to reflect that some respondents may be released to community treatment under the custody of the Department of State Hospitals; and
 - h. Order a specific entity to transport the respondent, to provide clarity about the agency responsible for transportation; and
2. Revoke *Order for Extended Commitment* (form CR-174) to reflect statutory changes to custody terms made by Senate Bill 1128 and Proposition 83.