



**OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF NEVADA**



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**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE: September 14, 2021

TO: Board of Supervisors

FROM: Jesse Wilson, District Attorney
Helenaz Moteabbed Hill, Deputy District Attorney
Sexual Assault/Child Sexual Abuse Unit

SUBJECT: Resolution designating the District Attorney for civil proceedings
under the Sexually Violent Predators Act (SVPA) as required by
Welfare and Institutions Code section 6601(i)

RECOMMENDATION:
Adopt the resolution designating the District Attorney to assume responsibility for civil proceedings under the Sexually Violent Predators Act (SVPA).

FUNDING:
Not applicable, there is no financial impact associated with the designation of the District Attorney's Office as the responsible party.

BACKGROUND:
The Sexually Violent Predators Act (SVPA) became effective January 1, 1996. The SVPA 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 two or more victims. It must be shown that the offender established or promoted the relationship for the primary purpose of victimization and, as a result of a diagnosed mental disorder, the person is predisposed to continue to commit sexually predatory acts.

The SVPA specifies that petitions for commitment under the SVPA are to be filed in the county in which the person was convicted of the offense. Cases will be referred to the counties by the State Department of Mental Health. The referral normally occurs prior to the expiration of the offender's term of imprisonment. If the county's designated legal counsel concurs with the recommendation, it must file a petition in the Superior Court. The court must then conduct a hearing to determine if probable cause exists to commit the offender as a sexually violent predator. If so, then the person is committed to the custody of the Department of Mental Health for a short time pending trial of the matter. Depending on the outcome of the trial, the court may commit the subject to the Director of Mental Health for two years, renewable annually thereafter.

Under the SVPA (Welfare and Institutions Code § 6601(i)), the County Board of Supervisors must designate *either* the District Attorney or County Counsel to assume responsibility for these proceedings. It was recently discovered that this has never been done by the Board of Supervisors since the passage of the SVPA. The District Attorney's Office has litigated all SVPA petitions since the passage of the SVPA. Therefore, in order to resolve this issue, designation of the District Attorney appears logical and reasonable. Additionally, it is the practice and custom of district attorneys' offices statewide to litigate such petitions and handle such proceedings almost if not entirely exclusively since the passage of the SVPA. Finally, the District Attorney and County Counsel have discussed the petition proceedings and agree that the District Attorney's Office is the most logical and appropriate office to assume responsibility of SVP petitions in our County.

Express designation of the District Attorney as the agency responsible for handling these proceedings is a crucial step in further ensuring public safety

Item Initiated by: Denise Harben

Approved by: Jesse Wilson