

**State of California
DEPARTMENT OF STATE HOSPITALS**

UPDATED INFORMATIVE DIGEST

PROPOSED REGULATIONS FOR THE SEXUALLY
VIOLENT PREDATOR STANDARDIZED ASSESSMENT PROTOCOL

Sections Affected:

Adoption to California Code of Regulations, title 9, sections 4011, 4012, 4013, 4014, 4014.1 and 4015.

Background and the Effect of the Rulemaking:

Welfare and Institutions Code section 6600, et. seq., provides the process that evaluations must be conducted on individuals who potentially may be deemed Sexually Violent Predators under the Sexually Violent Predator Act. Specifically, when the Secretary of the Department of Corrections and Rehabilitation determines that an individual may be a sexually violent predator, the Department of Corrections and Rehabilitation is to refer the person for an evaluation to be conducted by the Department of State Hospitals. Welfare and Institutions Code section 6601, subdivision (c), provides that the State Department of State Hospitals is to evaluate the person in accordance with a standardized assessment protocol, developed by the State Department of State Hospitals. It further states that the standardized assessment protocol requires assessment of a diagnosable mental disorder, as well as various factors known to be associated with the risk of re-offense among sex offenders. These proposed regulations provide the standardized assessment protocol to the Department of State Hospital evaluators who complete the Sexually Violent Predator evaluations, as well as provide this information to the public. The proposed regulations provide the elements that are involved in the evaluation process and include the documents and risk assessment tools the evaluator may review to complete the required Sexually Violent Predator assessment.

Description of Regulatory Action:

On January 22, 2018, DSH conducted a public hearing to consider the proposed rulemaking for adoption of the Sexually Violent Predator Standardized Assessment Protocol Regulation, in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340), in which no written comments were received for the proposed action during the 45-day comment period in response to the January 22, 2018 public hearing notice. No written and oral comments were presented at the January 22, 2018 public hearing.

After the January 22, 2018 public hearing, DSH proposed modifications to the originally proposed regulation to sections 4011, 4012, 4013, 4014, 4014.1 and 4015, title 9, California Code of Regulations. The Department made modifications reflected in the three sets of 15-day comment periods (with the changes clearly indicated) which are sufficiently related to the originally proposed text and made them available for a supplemental 15-day comment period through a “Notice of Public Availability of Modified Text.”. The first 15-day comment period was from February 15, 2018 through March 2, 2018, the second 15-day “Second Notice of Public Availability of Modified Text.” was from July 10 through July 25, 2018, and the third 15-day “Third Notice of Public Availability of Modified Text.” comment period was from August 20, through September 4, 2018.

Changes to Underlying Laws or Effect of the Regulation:

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

Comparable Federal Regulations:

There are no federal regulations comparable to the proposed regulations.