



NEW YORK STATE SENATOR

William Larkin

Larkin And Senate Pass Civil Commitment Legislation

William J. Larkin Jr.

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Senator Bill Larkin (R-C, Cornwall-on-Hudson) announced the New York State Senate today passed legislation (S.3318) that would provide for the civil commitment of sexually violent predators at secure treatment facilities even after they have completed their prison sentence. The bill reflects an agreement announced last week by the Senate, the Assembly, and the Governor.

Senator Larkin has been calling for legislation in the State Senate on the civil confinement of sexual predators since 1994 after the United State's Supreme Court decision on the *Hendrick's vs. Kansas* court case confirming the legality of civil confinement of sexual predators.

"The enactment of civil commitment legislation has been a long time coming," said Senator Larkin. "But today is a victory for victims, potential victims and their families. While I believe we can still create tougher laws that deal with sexual predators, this measure is an important step in the right direction."

Under the bill, sex offenders will be referred to a case review team to determine if the offender has a mental abnormality that will make them likely to be a repeat offender. If so, the case will go to the Attorney General to file a petition for confinement in the county of incarceration. If after a trial, a jury confirms the findings of the case review team, a judge will determine the most appropriate course of action, either confinement for the most dangerous offenders or a program of strict and intensive supervision for those who pose a lesser risk.

In addition, the legislation also does the following:

Mandates treatment for all sex offenders, during incarceration and after their release;

Increases periods of parole supervision for sex offenders;

Establishes a new crime of "sexually motivated felony;" and

Creates a new Office of Sex Offender Management in the State Division of Criminal Justice Services to develop comprehensive policies and standards for the evaluation, treatment, and management of sex offenders.