

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Recommend that the District Attorney is designated to assume the responsibility of filing petitions for commitment under AB 888. AB 888 provides for a civil commitment following the completion of a prison term for a person who has been convicted of a sexually violent offense involving one or more persons. It must be shown that the offender's primary purpose was that of victimization and that the person is predisposed to continue to commit sexually predatory acts. Petitions for commitment under AB 888 are to be filed in the county in which the person was convicted.

AB 888 also provides that the Board of Supervisors must designate either the District Attorney or County Counsel to assume the responsibility of filing these petitions for commitment. The District Attorney's office would have readily available the specific information relevant to such cases. The District Attorney is in agreement that her office is the logical choice for these commitments as noted in her letter of December 14, 1995 included in this package.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Designate the District Attorney as the office to assume the responsibility for proceedings under AB 888.
- Assign the responsibility to County Counsel's office. Counsel's office, however, would not have the necessary information relating to each case readily available.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Letter of 12/14/95 to Co. Counsel from D.A.

CLERK'S USE ONLY:

Res. No.: 96-36 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved _____ Denied _____

() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: [Signature]



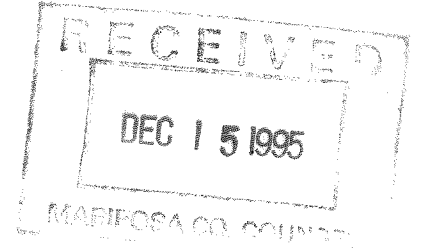
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIPOSA

CHRISTINE A. JOHNSON
District Attorney

Family Support Division
WILLIAM W. TURKINGTON
Deputy District Attorney

Criminal Division
QUINN R. BARANSKI
Deputy District Attorney

KIMBERLY A. FLETCHER
Deputy District Attorney



MEMORANDUM

DATE: December 14, 1995
TO: Jeff Green, Mariposa County Counsel
FROM: Christine Johnson *CL*
Mariposa County District Attorney
RE: AB 888 (Sexually Violent Predators)

Thank you for your letters dated December 11, 1995 and December 14, 1995 regarding Assembly Bill 888 which I am familiar with and which becomes effective on January 1, 1995.

AB 888 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 one or more victims. The bill specifies that petitions for commitment under AB 888 are to be filed in the County in which the person was convicted of the offense.

The Department of Mental Health is currently conducting the required evaluations and soon it will commence referring cases to counties. I agree with your opinion that the District Attorney's Office should be the designated (if not logical) counsel for these commitments.