

Date of Hearing: July 1, 2025
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 380 (Jones) – As Amended May 23, 2025

SUMMARY: Requires the State Department of State Hospitals (DSH) to conduct an analysis of the benefits and feasibility of establishing transitional housing facilities for the conditional release program (CONREP) for sexually violent predators (SVP). Specifically, **this bill:**

- 1) Requires the findings of the analysis in a report to be submitted to the Legislature on or before January 1, 2027.
- 2) Contains an urgency clause so that its provisions may go into effect immediately.

EXISTING LAW:

- 1) Provides for the civil commitment for psychiatric and psychological treatment of a prison inmate found to be an SVP after the person has served their prison commitment. This is known as the Sexually Violent Predator Act (“SVPA”). (Welf. & Inst. Code, § 6600, et seq.)
- 2) Defines an SVP as “a person who has been convicted of a sexually violent offense against at least one victim, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.” (Welf. & Inst. Code, § 6600, subd. (a)(1).)
- 3) States that when the Secretary of the Department of Corrections and Rehabilitation (CDCR) determines that an individual who is in custody serving a determinate prison sentence or whose parole has been revoked, may be a SVP, the secretary shall, at least six months prior to that individual’s scheduled date for release from prison, refer the person for evaluation by DSH. (Welf. & Inst. Code, § 6601, subd. (a)(1).)
- 4) Requires DSH to evaluate the person in accordance with a standardized assessment protocol, which shall require assessment of diagnosable mental disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of mental disorder. (Welf. & Inst. Code, § 6601, subd. (c).)
- 5) Provides that the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of DSH. If both evaluators concur that the person has a diagnosed mental disorder so that the person is likely to engage in acts of sexual violence without appropriate treatment and custody, the Director of DSH shall forward a request for a petition for commitment. (Welf. & Inst. Code, § 6601, subd. (d).)

- 6) States that no person may be placed in a state hospital pursuant to the SVPA until there has been a determination that there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior. (Welf. & Inst. Code, § 6602.5, subd. (a) and (g).)
- 7) Entitles a person subject to a SVP petition to a trial by jury and unanimous verdict, to the assistance of counsel, to the right to retain experts or professional persons to perform an examination on the person's behalf, and to have access to all relevant medical and psychological records and reports. If the person is indigent, the court shall appoint counsel to assist that person and, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. (Welf. & Inst. Code, § 6603, subd. (a).)
- 8) States that if DSH determines that the person is a SVP, the Director of DSH shall forward a request for a petition to be filed for commitment to the designated county no less than 20 calendar days prior to the scheduled release date of the person. Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county who may file a petition for commitment in the superior court if they concur with the recommendation. (Welf. & Inst. Code, § 6601, subd. (h).)
- 9) Requires a court to notify DSH of the outcome of the trial by forwarding to the department a copy of the minute order of the court within 72 hours of the decision. (Welf. & Inst. Code, § 6603, subd. (h).)
- 10) Permits a person committed as an SVP to be held for an indeterminate term upon commitment. (Welf. & Inst. Code, §§ 6604 and 6604.1.)
- 11) Establishes a process whereby a person committed as an SVP can petition for conditional release or an unconditional discharge any time after one year of commitment, notwithstanding the lack of recommendation or concurrence by the Director of DSH. (Welf. & Inst. Code, § 6608, subds. (a), (f) and (m).)
- 12) Provides that if the petition is made without the consent of the director of the treatment facility, no action may be taken on the petition without first obtaining the written recommendation of the director of the treatment facility. (Welf. & Inst. Code, § 6608, subd. (e).)
- 13) Provides that if the Director of DSH determines that the inmate's diagnosed mental disorder has so changed that the inmate is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the Director will forward a report and recommendation for conditional release. (Welf. & Inst. Code, § 6604.)
- 14) States that a hearing upon the petition for conditional release shall not be held until the person who is committed has been under commitment for confinement and care in a facility designated by the Director of DSH for not less than one year from the date of the order of commitment. A hearing upon the petition shall not be held until the community program director designated by DSH submits a report to the court that makes a recommendation as to the appropriateness of placing the person in a state-operated forensic conditional release program. (Welf. & Inst. Code, § 6608, subd. (f).)

- 15) Requires the court to hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that the person will engage in sexually violent criminal behavior due to the person's diagnosed mental disorder if under supervision and treatment in the community. (Welf. & Inst. Code, § 6608, subd. (g).)
- 16) Provides that before placing a person on conditional release, the community program director designated by the DSH must recommend the program most appropriate for supervising and treating the person. (Welf. & Inst. Code, § 6608, subd. (h).)
- 17) Provides that if the court determines that the person should be transferred to a state-operated forensic conditional release program, the community program director, or their designee, shall make the necessary placement arrangements and, within 30 days after receiving notice of the court's finding, the person shall be placed in the community in accordance with the treatment and supervision plan unless good cause for not doing so is presented to the court. (Welf. & Inst. Code, § 6608, subd. (i).)
- 18) States that in a conditional release hearing, the committed person shall have the burden of proof by a preponderance of the evidence, unless the required report determines that conditional release to a less restrictive alternative is in the best interest of the person and that conditions can be imposed that would adequately protect the community, in which case the burden of proof shall be on the state to show, by a preponderance of the evidence, that conditional release is not appropriate. (Welf. & Inst. Code, § 6608, subd. (k).)
- 19) Requires a person who is released on outpatient status or granted conditional release to be monitored by a global positioning system (GPS) until the person is unconditionally discharged. (Welf. & Inst. Code, § 6608.1.)
- 20) Provides that a person who is conditionally released shall be placed in the county of domicile of the person prior to the person's incarceration, unless both of the following conditions are satisfied:
 - a) The court finds that extraordinary circumstances require placement outside the county of domicile; and
 - b) The designated county of placement was given prior notice and an opportunity to comment on the proposed placement of the committed person in the county. (Welf. & Inst. Code, 6608.5, subd. (a).)
- 21) States that the county of domicile shall designate a county agency or program that will provide assistance and consultation in the process of locating and securing housing within the county for persons committed as SVPs who are about to be conditionally released. (Welf. & Inst. Code, § 6608.5, subd. (d).)
- 22) Specifies that in recommending a specific placement for community outpatient treatment, the DSH or its designee shall consider all of the following:
 - a) The concerns and proximity of the victim or the victim's next of kin; and

- b) The age and profile of the victim or victims in the sexually violent offenses committed by the person subject to placement. The “profile” of a victim includes, but is not limited to, gender, physical appearance, economic background, profession, and other social or personal characteristics. (Welf. & Inst. Code, § 6608.5, subd. (e)(1)-(2).)
- 23) Prohibits a conditionally released SVP from being placed within one-quarter mile of any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if either of the following conditions exist:
- a) The person has previously been convicted of child molestation or continuous sexual abuse of a child; or
 - b) The court finds that the person has a history of improper sexual conduct with children. (Welf. & Inst. Code, § 6608.5, subd. (f)(1-2).)
- 24) States that if the court determines that placement of a person in the county of their domicile is not appropriate, the court shall consider the following circumstances in designating his or her placement in a county for conditional release:
- a) If and how long the person has previously resided or been employed in the county; and,
 - b) If the person has next of kin in the county. (Welf. & Inst. Code, § 6608.5, subd. (g)(1)-(2).)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Author's Statement:** According to the author, "Senate Bill 380 implements a California State Auditor's recommendation by requiring the Department of State Hospitals (DSH) to conduct a feasibility study on utilizing transitional housing in the Forensic Conditional Release Program (CONREP) for Sexually Violent Predators (SVPs).

“In 2023, the Joint Legislative Audit Committee approved an audit of the CONREP process. The audit found that DSH has encountered numerous hurdles in securing suitable housing for program participants. These challenges include complex program requirements designed to ensure public safety, a scarcity of property owners willing to rent for the program, and significant public opposition to placing SVPs in local communities. Consequently, placements have taken an average of 17 months—far exceeding the 30-day period mandated by state law.

“The audit recommended that DSH explore establishing state-owned transitional housing by analyzing its benefits and feasibility; however, DSH declared that it would not implement this recommendation.

“By mandating a feasibility study, SB 380 ensures that DSH and the Legislature will have the necessary data to evaluate whether state-owned transitional housing can improve the efficiency and effectiveness of the SVP placement process while maintaining public safety.”

- 2) **Sexually Violent Predator Act (SVPA):** Enacted in 1996, the SVPA authorizes an involuntary civil commitment of any person “who has been convicted of a sexually violent offense ... and who has a diagnosed mental disorder that *makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.*” (Emphasis added.) (Welf. & Inst. Code, § 6601, subd. (a).) The SVPA was designed to accomplish the dual goals of protecting the public, by confining violent sexual predators likely to reoffend, and providing treatment to those offenders. “Those committed pursuant to the SVPA *are to be treated not as criminals, but as sick persons. They are to receive treatment for their disorders and must be released when they no longer constitute a threat to society.*” (Emphasis added.) (*People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774, 783, citing Welf. & Inst. Code, § 6250.)

Civil commitment is not a prison sentence. Once a person has been deemed no longer a threat to public safety, they must, as a matter of law, be released from custody. Involuntary commitment under the SVPA only begins after a person has completed their prison sentence. Originally, the SVP law provided for an initial commitment of two years and then a review every two years thereafter. However, the law was amended in 2006 through enactment of Proposition 83 (“Jessica’s Law”) and now provides for indeterminate commitments for persons found to be a SVP. (Welf. & Inst. Code, § 6604.)

A SVP is a person convicted of specified sex offenses against at least one person and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior. (Welf. & Inst. Code, § 6600, subd. (a)(1).)¹ The SVPA has survived due process challenges because the committed person “may not be held in civil commitment when he or she no longer meets the requisites of such commitment” (i.e., the person has the opportunity for release). (See *People v. McKee* (2010) 47 Cal.4th 1172, 1193; see also *Kansas v. Hendricks* (1997) 521 U.S. 346; *People v. McKee* (2012) 207 Cal.App.4th 1325; *People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774.)

Due to the significant deprivation of a person’s liberty while SVP proceedings are conducted, and potentially indefinitely after being committed as an SVP, the California Supreme Court recently held that all trial courts in the state are required to advise criminal defendants prior to accepting a plea to an offense enumerated in the SVPA, or in cases where the court is aware that the defendant has a prior conviction for such an offense, of potential consequences related to the SVPA. (*In re Tellez* (2024) 17 Cal.5th 77, 92.)

a. Process of SVP designation:

When the Department of Corrections and Rehabilitation (CDCR) determines that an inmate “may be a sexually violent predator,” the CDCR Secretary refers the inmate to the DSH for a thorough evaluation. (*Hubbart v. Superior Court* (1999) 19 Cal.4th 1138, 1145; Welf. & Inst., § 6601, subd. (b).) A “diagnosed mental disorder” for purposes of determining whether someone is a SVP means a “congenital or acquired condition affecting the emotional or

¹ Sexually violent offenses include: rape, rape with a foreign object, aggravated sexual assault of a child, sodomy, forcible oral copulation, child molestation, continuous sexual abuse of a child, sexual penetration, kidnapping with the intent to commit a listed sex offense, and assault with intent to commit a listed sex offense. (Welf. & Inst. Code, § 6600, subd. (b).)

volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.” (Welf. & Inst. Code, § 6600, subd. (c).)

An evaluation “must be conducted by at least two practicing psychiatrists or psychologists in accordance with a standardized assessment protocol[.]” (Welf. & Inst. Code, § 6601, subd. (c)-(d).) If the two evaluators agree the inmate is likely to reoffend without treatment or custody due to their mental disorder, the Director of DSH must request a petition for commitment pursuant to the Welfare and Institutions Code section 6602 to the county in which the inmate was last convicted. (Welf. & Inst. Code, § 6601, subd. (d).) Thereafter, the county district attorney, or other designated attorney by the county, will file a petition for civil commitment. Due process requires any deprivation of liberty by the state requires notice and a meaningful opportunity to be heard.

Accordingly, a court then reviews the petition and determines whether there is probable cause to believe the inmate “is likely to engage in sexually violent predatory criminal behavior upon their release. (Welf. & Inst. Code, § 6602.5.) A person subject to a SVP petition is entitled to a jury trial and unanimous verdict. Similarly, the county prosecutor has the right to demand a jury trial. (Welf. & Inst. Code, § 6603.) If a jury trial is not demanded, the trial shall be before the court. (*Ibid.*) If the court or jury determines beyond a reasonable doubt that the person is a sexually violent predator, the person [is] committed for an indeterminate term” to a state mental hospital “for appropriate treatment and confinement.” (Welf. & Inst. Code, § 6604.)

DSH must conduct a yearly examination of a SVP's mental condition and submit an annual report to the court. This annual review includes an examination by a qualified expert. (Welf. & Inst. Code, § 6604.9.)

If the Director of DSH determines that the inmate’s diagnosed mental disorder has so changed that the inmate is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the Director will forward a report and recommendation for either unconditional discharge or conditional release. (Welf. & Inst. Code, § 6604.9.) If the court at the hearing determines that the SVP would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community, the court will order the person placed with an appropriate forensic conditional release program operated by the state for one year, a substantial portion of which is required to include outpatient supervision and treatment. (Welf. & Inst. Code § 6608, subd. (f).)

After a judicial determination that a person would not be a danger to the health and safety of others (i.e., in that it is not likely that the person will engage in sexually violent criminal behavior due to the person’s diagnosed mental disorder while under supervision and treatment in the community), they will be placed in their pre-incarceration county of domicile, unless the court finds that extraordinary circumstances require placement outside the county domicile. (Welf. & Inst. Code § 6608.5, subd. (a); see Welf. & Inst. Code § 6608.5, subd. (b).)

b. Restrictions on Conditionally Released SVPs

A conditionally released SVP is deemed by DSH and the courts to no longer pose a danger to the community and may be treated in the community rather than confinement in the state hospital. However, a conditionally released SVP is tightly monitored and supervised in the community. A person released as an SVP may not be released to any residence that is within one-quarter mile of any public or private school providing instruction in kindergarten or any grades 1 through 12, inclusive, if the person has been previously convicted of child molestation or continuous sexual abuse of a child or if the court finds the person has a history of improper sexual conduct with children. (Welf. & Inst. Code, § 6608.5, subd. (f)(1)-(2).) Additionally, a conditionally released SVP must be monitored by a global positioning system (GPS) until they are unconditionally released. (Welf. & Inst. Code, § 6608.1.) Violations of the terms and conditions of release set by the court may result in revocation of conditional release and return to the hospital.

- 3) **DSH CONREP:** When patients civilly committed under the SVPA are granted conditional release by a court, they will enter community treatment and supervision under CONREP. Placement of a person who will be conditionally released is strictly regulated by law, and is determined on an individual basis, with community safety being the top priority.² Only about 5% of SVPs have been conditionally released, and to date not a single person who has been released has committed a sexual contact offense while in the program.³

CONREP consists of intensive community based treatment with 24-hour electronic monitoring, with gradual steps towards increased community integration, depending on treatment progress. It is designed in accordance with best practice standards. It relies on a broad range of services that are flexibly applied based on each patient's risk-assessment profile and treatment needs. Some of the tools used include polygraph examinations, covert surveillance, announced and unannounced home visits, electronic monitoring, monitoring of approved electronic devices, drug testing, property searched, banking and expense reviews, approval of travel (including routes of travel) for all time outside the residence, assessments of sexual arousal (plethysmography) and sexual interest (Abel assessments), collateral contacts with significant people in the patient's life, chaperone training, and life skills training.⁴

DSH contracts with Liberty Health Care to provide SVP CONREP services throughout the state.⁵ The placement process for a CONREP participant begins when a court determines that the person meets the legal criteria for CONREP and orders conditional release. This process is guided by both statutory law and court oversight.

A person eligible for conditional release must be placed in the county of domicile prior to the person's incarceration unless the court finds that extraordinary circumstances require placement outside the county of domicile and the designated county of placement was given prior notice and an opportunity to comment on the proposed placement of the committed person in the county. (Welf. & Inst. Code, § 6608.5, subd. (a).) A person eligible for conditional release who has a history of sexual conduct with children "shall not be placed

² See DSH Fact Sheet on SVP CONREP, March 2025, https://dsh.ca.gov/Treatment/docs/SVP_Conrep_Fact_Sheet_March2025.pdf, (accessed June 9, 2025.)

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

within one-quarter mile of any public or private school providing instruction in kindergarten or any grades 1 to 12, inclusive.” (Welf. & Inst. Code, § 6608.5, subd. (f).) This includes home schools. (*People v. Superior Court (Cheek)* (2023) 87 Cal.App.5th 373, 380-382.)

SB 1034 (Atkins), Chapter 880, Statutes of 2022, established a process for finding housing for an SVP who has been found to no longer be a danger and sets forth what a court must do in order to determine extraordinary circumstances exist so that an SVP cannot be placed in their county of domicile. DSH is required to convene a Housing Committee consisting of the committed person’s attorney, the sheriff or the chief of police of the locality for placement, the county counsel, and the district attorney from the county of domicile, and the housing committee is required to provide assistance and consultation in DSH’s process of locating and securing housing. (Welf. & Inst. Code, § 6608.5, subd. (d)(1).) DSH must consider a number of factors when locating housing, including statutory residency restrictions, the concerns or proximity to the victim or victim’s next of kin, and the age and profile of the victim or victims of the sexually violent offenses committed by the person subject to placement. (Welf. & Inst. Code, § 6608.5, subds. (e) & (f).)

If a property seems to meet both the statutory criteria and the court-ordered requirements, Liberty Health Care submits the potential placement location to undergo a three-level review process with DSH. Through this three-level review process, DSH staff (including clinical, legal, leadership and DSH’s Director’s Office) review both the potential placement and forensic risk factors to evaluate suitability. DSH staff work closely with Liberty Health Care to ensure that all information is included in each relevant document. If a property completes the three-level review process, DSH approves Liberty Health Care to present the potential placement location to Housing Committee members for discussion and additional feedback.⁶

After seeking input from the housing committee, potential residences are submitted to the court for approval. DSH must provide notice to both local law enforcement and the district attorney in that community. The law provides for 30-day notice to notify the public, with case specific information. Local law enforcement and the district attorney may provide written comments, which must be submitted to the court, and which the court must consider. (Welf. & Inst. Code, § 6609.1.) If the court approves of the placement, the patient will be placed at that residence. If the court denies the placement, the housing search continues.

The average time from when a court orders conditional release to actual placement in the community is one year or longer.⁷ Notably, if no housing placement has been found and the court has ordered the person to conditional release, the person can be released as a transient, such as an RV or motel instead of fixed housing. (*Karsai, supra*, 213 Cal.App.4th 774; Defendant was ordered to be released transient after Liberty Health Care reviewed more than 1,830 potential placements and only identified two potentially compliant placements when those turned out to not be suitable.)

- 4) **State Auditor’s Report:** In October 2024, the California State Auditor published a report on DSH’s Sexually Violent Predator Conditional Release Program. The Auditor examined the administration of the program, obstacles DSH faced in attempting to place program

⁶ *Ibid.*

⁷ *Ibid.*

participants in the community, and the department's oversight of the contractor it uses to provide various services related to the program.⁸ The Auditor found that individuals who participated in the program were convicted of new offenses less often than SVPs who were unconditionally released and did not participate in the program.⁹ The report also highlighted the numerous hurdles that the department has faced when attempting to locate suitable housing for program participants and found that DSH could improve its oversight of its contractor's administration of the program.¹⁰

Among the challenges faced by DSH with respect to finding housing for program participants, the report noted that there are complex program requirements, few property owners willing to rent for the purpose of housing program participants, and community opposition to placements which resulted in an average of 17 months for DSH's contractor, Liberty Healthcare, to secure housing for program participants.¹¹ The report shared information about one particularly difficult placement. Following the Stanislaus County Superior Court's order of a person into the program, more than 6,500 housing sites were considered over nearly three years.¹² Residential restrictions contribute to the complexity of finding suitable placements. State law prohibits the placement of some conditionally-released individuals within a quarter-mile of any public or private K-12 school. (Welf. & Inst. Code, § 6608.5, subd. (f).) The report noted that "an appellate court ruled that *home schools* fall within the definition of *schools* under this law, including home schools that are established after a program participant location was already determined. ... [T]he establishment of a home school can necessitate relocating a program participant from existing housing to a state hospital" until a new placement can be secured.¹³ With respect to community opposition to placement of program participants, the report included the following:

Liberty Healthcare's clinical director stated that even when a property owner is fully committed and Liberty Healthcare has properly vetted the property for meeting the required criteria, there have been instances when people have publicly harassed the property owner or sabotaged the property, making placement there no longer a viable option. In one example, vandals rendered a potential placement location uninhabitable by using a hose to flood the attic, damaging the house. Liberty Healthcare's assistant community program director described other instances when property owners withdrew their willingness to rent their properties for the purpose of housing program participants because community members stopped patronizing the local businesses they also owned.¹⁴

The State Auditor concluded that state-owned transitional housing could help mitigate some of the challenges that DSH has faced in locating housing for program participants which would decrease the time that program participants would be

⁸ State Auditor, *Conditional Release Program for Sexually Violent Predators: Program Participants Are Less Likely to Reoffend, While the State Has Difficulty Finding Suitable Housing*, Report 2023-130 (Oct. 2024).

⁹ *Id.* at p. 1.

¹⁰ *Id.* at pp. 1-2.

¹¹ *Id.* at pp. 13-17.

¹² *Id.* at p. 16.

¹³ *Id.* at p. 14.

¹⁴ *Id.* at p. 17.

housed in a state hospital awaiting approval of a placement in the community.¹⁵ Specifically, the report recommended:

To potentially reduce the time needed to place program participants in community housing, DSH should explore establishing state-owned transitional housing similar to other states. Specifically, by September 2025, DSH should conduct an analysis of the benefits and feasibility of establishing transitional housing facilities for the program. To the extent it finds transitional housing beneficial to the program, it should seek necessary funding and legislative authority to implement such housing for the program.¹⁶

In response to the Auditor's recommendation, DSH wrote:

DSH disagrees with the recommendation to conduct further analysis of the benefits and feasibility of establishing transitional housing, including identification of potential legislative prohibitions. DSH has previously reviewed this option. DSH notes transitional housing would not address many of the challenges that currently exist that contribute to the lengthy average timelines to placement in the community and ultimately could further delay placement of individuals. These challenges include but are not limited to the following:

- Siting locations for transitional facilities for multiple individuals would not be easier and likely would be more difficult than for the current types of individual placements utilized.
- Statutory residency restrictions and individual risk factors would continue to make certain areas of the state unsuitable for this type of facility.
- There would still be the risk that homeschools being developed in the vicinity of any developed transitional facility could render it unusable for this purpose at any time.
- Community protests over the potential placement of multiple individuals designated as an SVP in one facility location in a community would be expected, thus delaying the development of a facility of this type.
- Absent extraordinary circumstances, the law requires that individuals be placed into their county of domicile, and for most counties there are not enough individuals to support establishing an SVP transitional facility in the county. If individuals could be placed in alternate counties, any county identified for potential placement of these types of facilities would likely respond with significant protest of the placement of the facility into their county and housing individuals designated as an SVP from other counties.¹⁷

This bill adopts the State Auditor's recommendation to require DSH to conduct an analysis of the benefits and feasibility of establishing transitional housing

¹⁵ *Id.* at pp. 13-20.

¹⁶ *Id.* at p. 35.

¹⁷ *Id.* at pp. 49-50.

facilities for the conditional release program. However, as stated in DSH's response to the Auditor's recommendation, DSH has already reviewed establishing transitional housing but concluded that it would not address many of the challenges that contribute to delayed placement of conditionally released individuals. It is unclear whether this review has been documented or shared with the Legislature. This bill would require such analysis to be submitted to the Legislature on or before January 1, 2027.

- 5) **Argument in Support:** According to *Crime Victims United*, "In 2023, the Joint Legislative Audit Committee conducted a thorough review of the SVP placement process, ultimately recommending that DSH explore the feasibility of establishing state-owned transitional housing to improve placement efficiency and public safety. Despite this clear recommendation, DSH has declined to act. SB 380 simply ensures that this important study is conducted so the Legislature can make informed policy decisions about the future of SVP housing."
- 6) **Argument in Opposition:** None submitted
- 7) **Related Legislation:** SB 379 (Jones) would state that DSH shall ensure that department vendors consider public safety in the placement of an SVP that is ordered to be conditionally released. SB 379 is pending hearing in the Assembly Appropriations Committee.
- 8) **Prior Legislation:**
 - a) SB 1074 (Jones), of the 2023-24 Legislative Session, would have stated that DSH shall ensure that department vendors consider public safety in the placement of an SVP that is ordered to be conditionally released. SB 1074 was held in Assembly Appropriations.
 - b) SB 832 (Jones), of the 2023-24 Legislative Session, would have prohibited the placement of SVPs within five miles of federal land and to require DSH to take specified actions before placing a SVP in the community. SB 832 failed passage in Senate Public Safety Committee.
 - c) SB 841 (Jones), of the 2021-22 Legislative Session, was substantially similar to SB 832. SB 841 failed passage in Senate Public Safety Committee.
 - d) AB 1835 (Lackey), would have required, if reasonably possible, a person to be placed at a location within the person's city of domicile, if any, or within a close geographic location within the county of domicile in which the person has family, social ties, or economic ties, and access to reentry services, unless placement within that city or location would pose a risk to the person's victim or victim's next of kin. AB 1835 was not heard in Assembly Public Safety.
 - e) SB 1034 (Atkins), Chapter 880, Statutes of 2022, established a process for finding housing for a SVP who has been found to no longer be a danger and set forth what a court must do in order to determine extraordinary circumstances exist so that a SVP cannot be placed in the county of domicile and required DSH to convene a housing committee with specified participants in order to secure suitable housing for the person to be conditionally released.

- f) AB 821 (Cooper), of the 2021-2022 Legislative Session, would have placed the burden of showing extraordinary circumstances on the DSH by clear and convincing evidence when a court considers whether to place a person no longer found to be an SVP in a county other than their county of residence and would have limited how a lack of housing may be used to justify extraordinary circumstances for conditional release in a county other than county of residence. AB 821 was pulled by the author and not heard in this committee.
- g) SB 1333 (Bates), of the 2021-2022 Legislative Session, would have required, as a condition to placing a person in a county other than their county of domicile, the proposed designated county of placement be provided specified evidence prior to the court ordering the person to be placed in a county other than the county of domicile, and the designated county of placement to have a meaningful opportunity to seek appellate review. SB 1333 would have also placed additional notice requirements and residency restrictions on conditionally released SVPs. SB 1333 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association
Crime Victims United

Opposition

None received

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