



Senate Bill 1074 Fact Sheet – The SAFE Act

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SUMMARY

SB 1074 establishes the Sexually Violent Predator Accountability, Fairness, and Enforcement Act (SAFE Act) to make public safety the highest priority for placing Sexually Violent Predators upon their release.

BACKGROUND

A Sexually Violent Predator (SVP) is an individual convicted of a sexually violent offense and diagnosed with a mental disorder that causes them to be a danger to others with a high likelihood to reoffend.

When an SVP is recommended for the Forensic Conditional Release Program (CONREP), the Department of State Hospitals (DSH) is responsible for notifying the county of domicile (where the SVP resided prior to incarceration), coordinating their release placement, and overseeing their treatment. DSH then contracts with Liberty Healthcare to provide all services for the CONREP throughout California.

Once the court approves an SVP's participation in CONREP, a search for a location for the placement begins. After locating a potential placement that meets all requirements, Liberty Healthcare seeks approval from the court for the SVP placement. If the court approves the placement, a public notification is made and a 30-day public comment period begins. At the end of the public comment period, the court may then make a final placement order, or instruct CONREP to find a different placement.

PROBLEM

While CONREP is tasked with upholding public safety by following all relevant placement guidelines in law – such as Jessica's Law, which prohibits registered sex offenders from living within 2,000 feet of a school or park – only the minimum standards are considered.

Furthermore, since DSH has contracted out the entirety of the CONREP process, Liberty Healthcare exclusively handles this sensitive placement process.

DSH has almost completely removed themselves from the SVP placement process while claiming zero accountability and deferring all questions and concerns to Liberty Healthcare. This has resulted in several botched placement efforts where Liberty Healthcare has attempted to place SVPs in inappropriate locations causing community outrage. In just one example, Liberty Healthcare placed an SVP diagnosed with sexual sadism and convicted of child molestation across the street from a family with two deaf children, forcing them to relocate due to the public safety threat given their children's disability.

In many cases, the courts have intervened to deny placements, but Liberty Healthcare has often already started the leasing process. This wastes resources and causes delays in the placement process. When Liberty Healthcare charges the taxpayer \$400,000 per SVP per year, it should be able to effectively place SVPs while keeping public safety a top priority.

SOLUTION

This bill will make public safety the highest criteria of any potential placement of an SVP by making the Director of State Hospitals personally responsible for ensuring all department vendors hold public safety as the top priority during all placement procedures.

Additionally, this bill requires DSH to take ownership in the placement process by approving any placements BEFORE a department employee or vendor can sign any leases for placement locations.

Due to the sensitive nature of these ongoing placements, this bill has an urgency clause to take effect immediately.

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