

August 2007

Comparison of State Laws Authorizing Involuntary Commitment of Sexually Violent Predators: 2006 Update, Revised

BACKGROUND INFORMATION

This report updates the Institute's 2005 study, "Involuntary Commitment of Sexually Violent Predators: Comparing State Laws."¹ The 2005 report covered data through 2004; this report extends the timeframe through 2006. The report includes information on the number of residents, discharges, and program costs.

In addition to the 17 states covered in the previous report, three states have passed legislation authorizing civil commitment of sexually violent predators (SVPs). Nebraska passed a law in 2006, while New Hampshire and New York both passed laws early this year. The states with SVP laws are: Arizona, California, Florida, Illinois, Iowa, Kansas, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. The Texas law is unusual as it does not require confinement; instead treatment occurs in an outpatient setting. Pennsylvania's law is only for selected sex offenders who are "aging out" of the juvenile justice system at age 21.

To collect data for this report, we asked representatives from states to complete information on a common template. Some limitations need to be acknowledged. In many cases, the state representative for the 2004 and 2006 reports differ, thus there could be different interpretations of the questions. It was particularly challenging to sort releases in relation to program staff recommendations.

¹ K. Gookin. (2005). *Involuntary commitment of sexually violent predators: Comparing state laws*. Olympia: Washington State Institute for Public Policy, Document No. 05-03-1101.

States do not typically track a reason for every discharge and, therefore, had to rely on best estimates. Sometimes a person is discharged for more than one reason and, therefore, numbers may not add. In terms of cost information, the full costs of a SVP law are difficult to calculate as the program's expenditures are often spread across state budgets. For example, the treatment may be supplied by a social and health services agency, legal costs paid through another agency, and security and supervision supplied by corrections. In some instances, the state representatives were unable to estimate all aspects of the costs.

Additionally, in counting individuals in various categories (revoked, recommended for release), we refined the categories from the previous report to reflect the variation in states. It is difficult, however, to capture the full nuances of each state's policies in a spreadsheet format.

FINDINGS FOR U.S.

Number of Persons Held Under SVP Laws:
4,534

Number of Persons Discharged or Released:
494; an additional 85 persons died while in custody.

Average Annual Program Costs:
\$97,000 per person.

WASHINGTON STATE

Number of Persons Held Under SVP Laws:
305

Annual Program Costs:
\$40.5 million in 2006

Exhibit 1
Sexually Violent Predator Laws: Persons Held Under Law

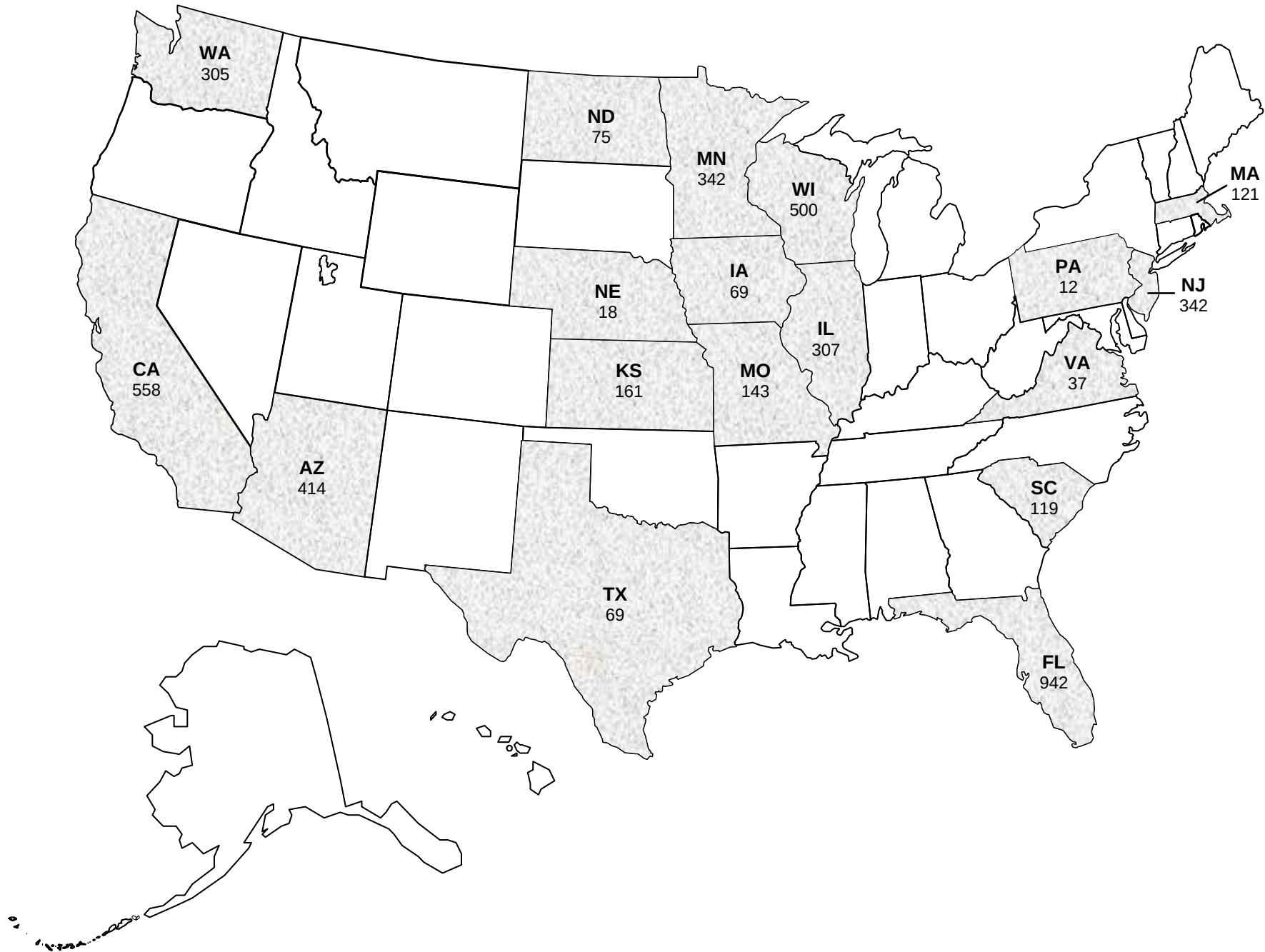


Exhibit 2
2006 Program Overview

State Code (Year Law Effective)	Involved With Petition or Certification for Commitment Since Law Effective (Accumulative)	Discharged or Released Who Were Committed (Accumulative, Not Including Deaths)	REASONS FOR DISCHARGES AND RELEASES OF PEOPLE COMMITTED				Deaths (Accumulative)	Revoked Since Release (Accumulative)*
			Program Staff Recommen- dation	Court Decision Without Program Staff Recommen- dation	To Corrections (New Charges)	Other		
Arizona 36-3701 et seq. (1996)	414	87	0	86	1	0	3	13
California WIC Section 6600 et seq. (1996)	558	96	4	74	15	3	15	2
Florida ss394.910- 394.931, Part V (1999)	942	28	1	16	11	0	8	9
Illinois 725 ILCS 207/1 et seq. (1988)	307	40	15	9	16	0	10	6
Iowa 229.A1 et seq. (1998)	69	15	5	10	0	0	1	1
Kansas 59-29a01 et seq. (1994)	161	16	3	0	0	12	8	0
Massachusetts Part 1 Title XVII, Ch. 123A 1 et seq. (1998)	121	5	0	5	0	0	0	N/A
Minnesota 253B.185 et seq. (1999)	342	43	27	0	3	13	2	27
Missouri 632.480 et seq. (1994)	143	10	0	0	8	2	7	0
Nebraska (2006)	18	18	14	0	4	0	0	0
New Jersey 30:4-27.24 et seq. (1994)	342	30	1	27	1	1	2	2
North Dakota 25.03-3.01 et seq. (1997)	75	20	14	1	5	0	1	0
Pennsylvania SB421 (2003)	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A
South Carolina 44-48-10 et seq. (1998)	119	32	16	16	0	0	4	0
Texas Health and Safety Code 841.001 et seq. (1999)	69	N/A	N/A	N/A	N/A	N/A	1	11

State Code (Year Law Effective)	Involved With Petition or Certification for Commitment Since Law Effective (Accumulative)	Discharged or Released Who Were Committed (Accumulative, Not Including Deaths)	REASONS FOR DISCHARGES AND RELEASES OF PEOPLE COMMITTED				Deaths (Accumulative)	Revoked Since Release (Accumulative)*
			Program Staff Recommend- ation	Court Decision Without Program Staff Recommend- ation	To Corrections (New Charges)	Other		
Virginia 37.2-900 et seq. (2003)	37	5	N/A	N/A	N/A	N/A	None	2
Washington 71.09.010 et seq. (1990)	305	19	12	1	2	2	9	4
Wisconsin 980.01 et seq. (1994)	500	30	76	8	7	2	14	23
TOTALS	4,534	494	188	253	73	35	85	100

*Unduplicated count of readmits after discharge because of a new legal process and readmits after discharge to outpatient treatment.

Notes:

Arizona: By policy, the staff does not make recommendations regarding releases.

Illinois: Recommendations for discharge/release are made by independent state evaluators, not program staff.

Massachusetts: Does not have supervised release of an SVP

Pennsylvania: Program only has "aged-out" juveniles as they turn 21 years old.

Texas: Outpatient only

Washington: One additional person is awaiting revocation.

Wisconsin: Recommends releases, but does not track the specific circumstances and their outcomes.

The following states' laws were passed in 2007 and are still being implemented.

- New Hampshire, RSA 135-E
- New York, Chapter 7 of S.3318

Exhibit 3
General Cost Information (2006)

State	SVP Resident Cost Per Year	Total Civil Commitment Budget (in millions)	Annual Salary and Benefits of Treatment Officer	DOC Inmate Cost Per Year
Arizona	\$110,000	\$11.3	\$50,985	\$20,564
California	\$166,000	\$147.3	N/A	\$43,000
Florida	\$41,845	\$23.3	N/A	\$19,000
Illinois	\$88,000	\$25.6	N/A	\$21,700
Iowa	\$71,000	\$5.0	\$56,356	\$23,002
Kansas	\$69,070	\$10.9	N/A	\$22,630
Massachusetts	\$73,197	\$30.7	N/A	\$43,026
Minnesota	\$141,255	\$54.9	N/A	\$29,240
Missouri	\$75,920	\$8.3	\$25,358	\$14,538
Nebraska	\$93,325	\$13.5	N/A	\$26,031
New Jersey	\$67,000	\$21.9	N/A	\$35,000
North Dakota	\$94,728	\$12.7	\$55,600	\$27,391
Pennsylvania	\$150,000	\$1.8	N/A	\$32,304
South Carolina	\$41,176	\$2.9	N/A	\$15,156
Texas	\$17,391	\$1.2	N/A	\$15,527
Virginia	\$140,000	\$8.2	N/A	\$23,123
Washington	\$149,904	\$40.5	\$40,228	\$29,055
Wisconsin	\$102,500	\$34.7	N/A	\$27,600
AVERAGES	\$94,017	\$25.3		\$25,994
Total:		\$454.7		

Notes:

New Hampshire is in the start-up phase.

New York is in the start-up phase.

Pennsylvania has only "aged-out" juveniles as they turn 21 years old. Their costs for DOC reflect 2004–2005, inflated by 3 percent.

Texas has outpatients only.

Exhibit 4
Detailed Costs

State	Treatment	Security and Supervision	Direct Care (food, clothing, supplies)	Health Care	Contracted Services	Legal Services Including Prosecutors and Defense	Psycho-logical Evaluations	Trans- portation	Capital Cost/Debt Service	Adminis- trative Overhead	Other
Arizona	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
California	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Florida	N/A	N/A	N/A	N/A	N/A	N/A	\$961,263	N/A	\$0	N/A	\$600,000
Illinois	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Iowa	\$381,169	\$3,143,060	\$646,650	\$24,123	\$24,123	N/A	N/A	\$25,623	N/A	N/A	N/A
Kansas	\$2,644,804	\$8,039,215	\$990,036	\$334,628	N/A	N/A	N/A	Included in other costs	N/A	Included in other costs	\$0
Massachusetts	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minnesota	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Missouri	\$6,253,000	Included in treatment costs	\$605,000	\$308,000	\$38,510	N/A	N/A	\$6,700	\$0	\$1,467,312	N/A
Nebraska	\$1,818,066	\$767,984	\$222,863	Included in direct care	\$0	\$0	\$86,007	Included in other costs	\$0	\$529,459	\$545,456
New Jersey	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
North Dakota	\$1,565,798	\$125,000	\$263,266	\$45,375	N/A	\$25,000	N/A	\$5,000	\$13,503	\$798,953	\$0
Pennsylvania	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
South Carolina	\$41,176	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Texas (Outpatient only)	\$143,143	\$136,350	Included in contracts	N/A	\$574,111	N/A	\$23,384	\$78,257	\$0	\$294,000	\$0
Virginia	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Washington	\$2,354,118	\$10,366,000	\$2,883,718	\$1,249,898	\$5,313,589	\$5,471,222	\$720,074	\$23,000	\$0	\$809,083	\$6,636,298
Wisconsin	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Notes:

Florida: Outside psychiatric evaluations are included in the daily rate. Starting in FY06–07, services were phased in beginning with clinical, medical, and other residential services, followed by internal security (December 15, 2006), and then transportation and perimeter security (April 2, 3007).

Minnesota: Will forward detailed cost information as it becomes available.

Missouri: Administrative Overhead covers staff salaries for administrative persons in the facility. Accounting, some human resources, and maintenance overhead are not included.

New York: Program not yet begun.

New Hampshire: Program not yet begun.

Pennsylvania: Plans to have detailed cost information available in 2008.

Washington: Costs are for the main facility only and do not include less restrictive facilities.

Exhibit 5
Service and Facility Providers

State	Treatment Provider (Contractor or State)	Security Provider (Contractor or State)	Facility (Contract or State Owned)
Arizona	State	State	State
California	State (DMH)	DOC (perimeter)	State
Florida	Contract	DOC and GEO	State
Illinois	Contract	State	State
Iowa	State	State	State
Kansas	State	State	State
Massachusetts	Contract	State	State
Minnesota	State	State	State
Missouri	State	State	State
Nebraska	State	State	State
New Jersey	DHS	DOC	State
North Dakota	State	State	State
Pennsylvania	State	State	State
South Carolina	State	State	State
Texas	Contract	N/A (outpatient only)	Contract (halfway houses)
Virginia	State	State	State
Washington	State	State	State
Wisconsin	State	State	State

Note: New Hampshire and New York are still planning for implementation of their recent laws.

Exhibit 6
State Contacts

State	Name	Phone	Email
Arizona	Dr. Noggle	602-220-6482	Noggled@azdhs.gov
California	Brenda Epperly-Ellis	916-653-2088	Brenda.Epperly-Ellis@dmh.ca.gov
Florida	Teion Wells Harrison	850-921-4490	Teion_Harrison@dcf.state.fl.us
Illinois	Shan Jumper	217-322-3204 ext 5016	Shan.Jumper@illinois.gov
Iowa	Jason Smith	712-225-6948	Jsmith4@dhs.state.ia.us
Kansas	Dr. Leo Herrman		LPH0222@lsh.ks.gov
Massachusetts	Robert Murphy	508-279-8111	RFMurphy@doc.state.ma.us
Minnesota	Thomas Lundquist	218-485-5300 ext 5314	thomas.j.lundquist@state.mn.us
Missouri	Alan Blake	573-218 7079	alan.blake@dmh.mo.gov
Nebraska	Cynthia Dykeman		cynthia.dykeman@hhss.ne.gov
New Hampshire	Geoffrey Souther	603-271-8820	GSouther@dhhs.state.nh.us
New Jersey	Merrill Main		Merrill.Main@dhs.state.nj.us
New York	Rich Miraglia		cofortm@ohm.state.ny.us
North Dakota	Alex Schweitzer	701-253-3964	aschweit@state.nd.us
Pennsylvania	Dr. Vito DonGiovanni	724-675-2001	vdongiovan@state.pa.us
South Carolina	Mark Binkley		MWB86@scdmh.org
Texas	Allison Taylor	512-834-4530	Allison.Taylor@dshs.state.tx.us
Virginia	Dr. Steve Wolf	804-347-8291	steve.wolf@co.dmhmrzas.virginia.gov
Washington	Dr. Henry Richards	253-583-5933	richahj@dshs.wa.gov
Wisconsin	Dennis Doren	608-301-1455	dorendm@dhfs.state.wi.us

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