

January 16, 1998

SENATE BILL No. 98

DIGEST OF SB 98 (Updated January 15, 1998 8:40 am - DI 51)

Citations Affected: IC 12-26; noncode.

Synopsis: Commitment of sexually violent predators. Provides for the civil commitment for an indeterminate period of a person who is found to be a sexually violent predator. Provides that the intent of the civil commitment is to provide treatment for a person with a serious mental disorder and then return the person to the community. Applies to a person who: (1) has been charged or convicted of a Class A or Class B felony sex offense; and (2) suffers from a mental abnormality that
(Continued next page)

Effective: July 1, 1998.

**Zakas, Alexa, Bray, Dempsey,
Jackman, Johnson, Landske,
Lawson, Lubbers, Craycraft,
Miller, Riegsecker, Skillman,
Waterman, Weatherwax, Wyss**

January 6, 1998, read first time and referred to Committee on Judiciary.
January 15, 1998, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

SB 98—LS 6625/DI 76+



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Digest Continued

makes the person likely to engage in predatory acts of sexual violence if the person is not confined in a secure facility. Provides that before a person who may be a sexually violent predator may be released from confinement, the releasing authority shall inform a three member review committee consisting of two psychiatrists or psychologists and one prosecuting attorney or deputy prosecuting attorney with experience prosecuting sex offense cases that the person may be a sexually violent predator. Establishes procedures for a determination of probable cause, a hearing, and other procedural safeguards. Provides that if a person is determined by a court to be a sexually violent predator, the person must be committed to a state institution. Provides procedures for the evaluation and review of a person who is committed. Provides that the person is to be committed for the period that the person's mental abnormality exists to the extent that: (1) the person is not safe to be released back into the community; and (2) if released, the person is likely to engage in acts of sexual violence.

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January 16, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 98

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-26-17 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 17. Commitment of Sexually Violent Predators**
5 **Sec. 1. As used in this chapter, "agency" means an agency that**
6 **releases upon lawful order or authority a person serving a sentence**
7 **or term of confinement. The term includes:**
8 (1) **the department of correction; and**
9 (2) **the division of mental health.**

10 **Sec. 2. As used in this chapter, "mental abnormality" means a**
11 **congenital or acquired condition affecting the emotional or**
12 **volitional capacity that predisposes a person to commit sexually**
13 **violent offenses to a degree that makes the person a menace to the**
14 **health and safety of others.**

15 **Sec. 3. As used in this chapter, "predatory act" means an act**

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1 committed by a person for the primary purpose of victimization
2 against:

- 3 (1) a stranger; or
4 (2) an individual with whom the person has a relationship.

5 Sec. 4. As used in this chapter, "review committee" refers to the
6 end of sentence review committee established by section 8 of this
7 chapter.

8 Sec. 5. As used in this chapter, "sexually violent offense" means:

- 9 (A) rape (IC 35-42-4-1);
10 (B) criminal deviate conduct (IC 35-42-4-2);
11 (C) child molesting as a Class A or Class B felony
12 (IC 35-42-4-3)(a);
13 (D) vicarious sexual gratification (IC 35-42-4-5) as a Class
14 A or Class B felony;
15 (E) sexual misconduct with a minor as a Class A or Class
16 B felony (IC 35-42-4-9); or
17 (F) incest (IC 35-46-1-3) as a Class B felony.

18 Sec. 6. As used in this chapter, "sexually violent predator"
19 means a person who:

- 20 (1) has been convicted of or charged with a sexually violent
21 offense; and
22 (2) suffers from a mental abnormality that makes the person
23 likely to engage in predatory acts of sexual violence if not
24 confined in a secure facility.

25 Sec. 7. (a) Whenever it appears that a person may be a sexually
26 violent predator, an agency confining the person shall give written
27 notice to the review committee one hundred twenty days (120)
28 before any of the following occurs:

- 29 (1) The date of release from total confinement of the person if
30 the person has been convicted of a sexually violent offense.
31 However, in the case of a person who is returned to
32 confinement for not more than one hundred twenty (120) days
33 as a result of revocation of postrelease supervision, written
34 notice shall be given as soon as practicable following the
35 person's readmission to confinement.
36 (2) The date of release of the person if the person has been
37 charged with a sexually violent offense and has been adjudged
38 incompetent to stand trial under IC 35-36-3.
39 (3) The date of release of the person if the person has been
40 found not guilty by reason of insanity of a sexually violent
41 offense under IC 35-36-2-4.

42 (b) The notice required under subsection (a) must provide the



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1 review committee the following:

2 (1) The confined person's name, identifying factors,
3 anticipated future residence, and criminal history.

4 (2) Documentation of the confined person's institutional
5 adjustment and any treatment received.

6 Sec. 8. (a) The end of sentence review committee is established.

7 (b) The review committee consists of the following three (3)
8 members:

9 (1) A board certified psychiatrist or clinical psychologist who
10 is:

11 (A) employed by the state; and

12 (B) appointed by the governor.

13 (2) A board certified psychiatrist or clinical psychologist who
14 is:

15 (A) not employed by the state; and

16 (B) appointed by the governor.

17 (3) A current or former prosecuting attorney or deputy
18 prosecuting attorney with experience prosecuting sex offenses
19 appointed by the attorney general.

20 (c) The review committee shall review available records of each
21 person referred to the team under section 7(a) of this chapter. The
22 review committee, not more than thirty (30) days after receiving
23 notice under section 7(a) of this chapter, shall assess whether the
24 person who is the subject of the notice is a sexually violent
25 predator.

26 (d) Whenever the review committee determines that the person
27 is a sexually violent predator under this section, the review
28 committee shall:

29 (1) notify the attorney general of its assessment;

30 (2) inform the attorney general regarding the information
31 described in section 7(b) of this chapter; and

32 (3) cooperate in collecting data and referring information to
33 the attorney general as described in section 9 of this chapter.

34 (e) The attorney general shall review the records of each person
35 the review committee refers to the attorney general under this
36 section. The assessment of the review committee must be available
37 to the attorney general.

38 (f) The attorney general shall determine whether a confined
39 person is a sexually violent predator.

40 Sec. 9. (a) This section applies when the review committee:

41 (1) determines that a confined person is a sexually violent
42 predator; and

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- 1 (2) refers the case to the attorney general.
- 2 (b) The attorney general is dependent upon the submitting
3 agency and the review committee to make all reasonable efforts to
4 gather the necessary information that must precede the decision to
5 file a petition charging a person with being a sexually violent
6 predator. If the initial data collection is incomplete, the attorney
7 general shall:
- 8 (1) inform the review committee of the respects in which the
9 document collection is incomplete; and
- 10 (2) request further document collection before the attorney
11 general decides to file or decline the case.
- 12 If the review committee, after reasonable efforts, has attempted
13 but has been unable to obtain necessary documents, the attorney
14 general shall attempt to obtain those documents.
- 15 (c) Information gathered under subsection (b) must include
16 expert reports describing:
- 17 (1) the offender's social history;
- 18 (2) whether the offender currently has a mental abnormality;
- 19 (3) the present likelihood the person may engage in predatory
20 acts of sexual violence; and
- 21 (4) the underlying facts or data for the expert's findings and
22 opinions.
- 23 (d) Information gathered under subsection (b) may include the
24 following:
- 25 (1) Additional written or taped statements from material
26 witnesses, including any person who was a material witness to
27 a prior sexually violent offense involving the offender.
- 28 (2) Additional written or taped statements from witnesses in
29 the institution who were involved in delivering treatment
30 services or supervising the person under investigation, during
31 all previous periods of confinement.
- 32 Sec. 10. The attorney general may not file a petition charging a
33 person with being a sexually violent predator unless each of the
34 following requirements are met:
- 35 (1) The offender has not been paroled from the department of
36 correction, on the most recent offense, based upon a finding
37 that the offender was fit for release.
- 38 (2) The victim or the victim's family has been consulted by the
39 attorney general or the attorney general's agent regarding the
40 potential filing of the petition.
- 41 (3) The offender has a pattern of prior predatory acts. The
42 offender's declarations, if any, or intent to commit predatory

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1 acts in the future must be considered in analyzing the pattern.

2 (4) A petition may not be filed if the offender has been
3 released from custody for a substantial time, during which the
4 offender has not engaged in:

5 (A) a sex offense; or

6 (B) any other activity indicating a continuation of the
7 offender's predatory behavior.

8 **Sec. 11. (a)** After the attorney general receives written notice
9 from the review committee under section 8 of this chapter and the
10 prerequisites set forth in sections 9 and 10 of this chapter have
11 been met, the attorney general may file a petition for a finding of
12 probable cause in the circuit or superior court having jurisdiction.
13 The appropriate venue for the filing is either the county where the
14 respondent:

15 (1) was most recently convicted of a sexually violent offense;
16 or

17 (2) is currently being detained.

18 Whenever a person is civilly committed under this chapter, the
19 jurisdiction of the court that commits the person continues until
20 the time the person is unconditionally discharged.

21 (b) The petition must:

22 (1) allege that the person who is named respondent in the
23 petition is a sexually violent predator; and

24 (2) state sufficient facts to support the allegation.

25 **Sec. 12. (a)** Upon the filing of a petition under section 11 of this
26 chapter, the court shall determine whether probable cause exists
27 to believe that the person named respondent in the petition is a
28 sexually violent predator. If the court determines that there is
29 probable cause to believe the person is a sexually violent predator,
30 the court shall order that the person remain in the custody of the
31 agency having custody of the person until a final disposition is
32 made under section 13 of this chapter.

33 (b) Not more than seventy-two (72) hours after a person is
34 detained under subsection (a), the person is entitled to notice of and
35 an opportunity to appear in person at an evidentiary hearing to
36 contest probable cause as to whether the detained person is a
37 sexually violent predator. At the evidentiary hearing, the court
38 shall determine whether evidence supports the finding of probable
39 cause to believe that the person is a sexually violent predator. The
40 state may:

41 (1) exclusively rely upon its petition; or

42 (2) supplement the petition with additional testimony or

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- 1 documentary evidence.
- 2 (c) At the evidentiary hearing held under subsection (b), the
- 3 detained person has the following rights in addition to the rights
- 4 previously specified:
- 5 (1) To be represented by counsel.
- 6 (2) To present evidence on the person's own behalf.
- 7 (3) To cross-examine witnesses who testify against the person.
- 8 (4) To view and copy all petitions and reports in the court file.
- 9 (d) If the court finds after the evidentiary hearing held under
- 10 subsection (b) that evidence supports a probable cause
- 11 determination, the court shall order that the respondent be
- 12 transferred to an appropriate secure facility, including a county
- 13 jail, for a clinical evaluation as to whether the person is a sexually
- 14 violent predator. The evaluation must be conducted by a person
- 15 considered by the court to be professionally qualified to conduct
- 16 the evaluation.
- 17 Sec. 13. (a) Not more than sixty (60) days after the completion
- 18 of an evidentiary hearing held under section 12(b) of this chapter,
- 19 the court shall conduct a civil trial to determine whether the person
- 20 named as respondent in a petition filed under section 7 of this
- 21 chapter is a sexually violent predator.
- 22 (b) The person named as respondent in the petition is the
- 23 defendant in the civil trial of the matter.
- 24 (c) The civil trial may be continued:
- 25 (1) upon the request of the state or the defendant and upon a
- 26 showing of good cause; or
- 27 (2) by the court on its own motion in the administration of
- 28 justice if the defendant is not substantially prejudiced by the
- 29 court's action.
- 30 Sec. 14. At all stages of proceedings conducted under this
- 31 chapter:
- 32 (1) a respondent or defendant subject to this chapter is
- 33 entitled to the assistance of counsel; and
- 34 (2) if the respondent or defendant is indigent, the court shall
- 35 appoint counsel to assist the person.
- 36 Sec. 15. (a) Whenever a respondent or defendant is subjected to
- 37 an examination under this chapter, the person may retain an
- 38 expert or other professional person to perform an examination on
- 39 the person's behalf. If the person wishes to be examined by a
- 40 qualified expert or professional person of the person's own choice,
- 41 the examiner must be permitted to have reasonable access to:
- 42 (1) the person for the purpose of the examination; and



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- 1 (2) all relevant medical and psychological records and reports
2 concerning the person.
- 3 (b) If a respondent or defendant is indigent, the court, upon the
4 person's request, shall determine whether the services performed
5 under subsection (a) are necessary and whether the requested
6 compensation for the services is reasonable. If the court determines
7 that the services are necessary and the expert or professional
8 person's requested compensation for the services is reasonable, the
9 court shall assist the respondent or defendant in obtaining an
10 expert or a professional person to perform the examination or
11 participate in the trial on the person's behalf. The court shall
12 approve payment for the services upon the filing of a certified
13 claim for compensation supported by a written statement
14 specifying:
- 15 (1) the time expended;
16 (2) services rendered;
17 (3) expenses incurred on behalf of the person; and
18 (4) compensation received in the same case or for the same
19 services from any other source.
- 20 Sec. 16. A defendant or the attorney general may demand that
21 the civil trial conducted under section 13 of this chapter be a trial
22 by jury. A demand for jury trial must be filed in writing at least
23 four (4) days before trial. The court upon its own motion may
24 order a jury trial. If no demand is made and if the court does not
25 order a jury trial upon its own motion, the trial must be before the
26 court.
- 27 Sec. 17. (a) In a civil trial held under this chapter, the court or
28 jury shall determine beyond a reasonable doubt whether the
29 defendant is a sexually violent predator. A jury verdict that the
30 defendant is a sexually violent predator must be unanimous. The
31 verdict may be appealed.
- 32 (b) If the court or jury determines that the defendant is a
33 sexually violent predator, the defendant must be committed by the
34 court to the custody of the division of mental health for control,
35 care, and treatment until the defendant's mental abnormality has
36 changed to the extent that it is safe to return the defendant to the
37 community. The control, care, and treatment of the defendant must
38 be provided at a facility operated by the division of mental health.
39 A defendant committed to the control, care, and treatment of the
40 division of mental health under this chapter must be:
- 41 (1) confined in a secure facility; and
42 (2) properly segregated from all other patients;



1 under the supervision of the division of mental health. The division
 2 of mental health shall develop a plan for the treatment and care of
 3 the defendant. The plan must provide for treatment that is likely
 4 to change the person's mental abnormality to the extent that the
 5 person is not likely to commit predatory acts of sexual violence.
 6 The division of mental health shall provide for treatment and care
 7 in conformity with the plan developed under this section. The
 8 division of mental health shall at least annually review and revise,
 9 as appropriate, the plan of treatment and care for a defendant.

10 **Sec. 18.** The division of mental health may enter into an
 11 interagency agreement with the department of correction for the
 12 confinement of persons who are adjudicated sexually violent
 13 predators under section 17 of this chapter. A sexually violent
 14 predator who is confined by the department of correction under
 15 the interagency agreement must be housed and managed
 16 separately from offenders in the custody of the department of
 17 correction, and except for occasional instances of supervised
 18 incidental contact, a sexually violent predator must be segregated
 19 from the offenders.

20 **Sec. 19.** If a court or jury is not satisfied beyond a reasonable
 21 doubt that a defendant is a sexually violent predator, the court
 22 shall order the defendant's release. Upon a mistrial, the court shall
 23 order that the defendant be held in a secure facility, including a
 24 county jail, until another trial is conducted. A subsequent trial
 25 following a mistrial must be held not more than ninety (90) days
 26 after the declaration of mistrial in the previous trial, unless the
 27 subsequent trial is continued under section 13 of this chapter.

28 **Sec. 20.** If a person charged with a sexually violent offense has
 29 been found incompetent to stand trial and is about to be released,
 30 and the person's commitment is sought under this chapter, the
 31 court shall first hear evidence and determine whether the person
 32 committed the act charged. A hearing conducted under this section
 33 must comply with all the procedures specified in this chapter. After
 34 hearing the evidence, the court shall make specific findings
 35 regarding the following:

- 36 (1) Whether the person committed the act charged.
- 37 (2) The extent to which the person's incompetence or
 38 developmental disability affects the outcome of the hearing,
 39 including its effect on the person's ability to:
 - 40 (A) consult with and assist counsel; and
 - 41 (B) testify on the person's own behalf.
- 42 (3) The extent to which the evidence could be reconstructed



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1 without the assistance of the person and the strength of the
2 prosecuting attorney's case.

3 If, after the conclusion of a hearing conducted under this section,
4 the court finds beyond a reasonable doubt that the person
5 committed the act charged, the court shall enter a final order,
6 appealable by the person, and may proceed to consider whether the
7 person should be committed under this chapter.

8 **Sec. 21. (a)** An annual examination of the mental condition of a
9 person committed under this chapter must be conducted. The
10 person may retain, or upon request if the person is indigent, the
11 court may appoint, a qualified professional to examine the person,
12 and the expert or professional person shall have access to all
13 records concerning the person.

14 **(b)** An annual report regarding the examination conducted
15 under subsection (a) must be provided to the court that committed
16 the person under this chapter. The court shall conduct an annual
17 review of the status of the committed person.

18 **Sec. 22.** This chapter does not prohibit a committed person from
19 otherwise petitioning the court for discharge. The division of
20 mental health shall provide the committed person with an annual
21 written notice of the person's right to petition the court for release
22 over the division's objection. The division shall forward the notice
23 to the court with the annual report. The committed person has the
24 right to have an attorney represent the person at a hearing on the
25 petition, but the person is not entitled to be present at the hearing.

26 **Sec. 23.** If the court at a hearing on a petition filed under section
27 22 of this chapter determines that probable cause exists to believe
28 that the person's mental abnormality has changed to the extent
29 that the person is:

- 30 (1) safe to be released back into the community; and
31 (2) not likely to engage in acts of sexual violence if discharged;

32 the court shall schedule an evidentiary hearing. At the evidentiary
33 hearing, the committed person is entitled to be present and is
34 entitled to the benefit of all constitutional protections that were
35 afforded the person at the initial commitment proceeding.

36 **Sec. 24.** The attorney general shall represent the state at an
37 evidentiary hearing scheduled under section 23 of this chapter, and
38 the state has the right to a jury trial and to have the committed
39 person evaluated by experts chosen by the state. The committed
40 person is entitled to have experts evaluate the person on the
41 person's behalf, and the court shall appoint an expert if the person
42 is indigent and requests an appointment. The burden of proof at

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1 the hearing is upon the state to prove beyond a reasonable doubt
 2 that the committed person's mental abnormality remains to an
 3 extent that:

4 (1) the person is not safe to be released back into the
 5 community; and

6 (2) if released, the person is likely to engage in acts of sexual
 7 violence.

8 **Sec. 25.** The involuntary detention or commitment of a person
 9 under this chapter must conform to constitutional requirements
 10 for care and treatment.

11 **Sec. 26. (a)** If the director of the division of mental health
 12 determines that a committed person's mental abnormality has
 13 changed to the extent that the person is not likely to commit
 14 predatory acts of sexual violence if released, the director of the
 15 division of mental health shall authorize the committed person to
 16 petition the court for release.

17 (b) A petition filed under subsection (a) must be filed with the
 18 court having jurisdiction and with the attorney general. The court,
 19 upon receipt of the petition for release, shall order a hearing to be
 20 held not more than thirty (30) days after the petition is filed. The
 21 attorney general shall represent the state and is entitled to have the
 22 petitioner examined by an expert or professional person of the
 23 attorney general's choice.

24 **Sec. 27.** A hearing held under section 26 of this chapter must be
 25 before a jury if demanded by either the petitioner or the attorney
 26 general. The burden of proof is upon the attorney general to show
 27 beyond a reasonable doubt that:

28 (1) the petitioner's mental abnormality remains to an extent
 29 that the petitioner is not safe to be released back into the
 30 community; and

31 (2) if discharged, the petitioner is likely to commit predatory
 32 acts of sexual violence.

33 **Sec. 28. (a)** This chapter does not prohibit a person from filing
 34 a petition for discharge from commitment. However, if:

35 (1) a person has previously filed a petition for discharge
 36 without the approval of the director of the division of mental
 37 health; and

38 (2) the court having jurisdiction determined either upon
 39 review of the petition or following a hearing that:

40 (A) the petitioner's petition was frivolous; or

41 (B) the petitioner's condition had not changed to the extent
 42 that the person was safe to be released into the community;



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1 the court shall deny the subsequent petition unless the petition
 2 contains facts upon which a court could find the condition of the
 3 petitioner had changed to the extent that a hearing was warranted.

4 (b) Upon receipt of a first or subsequent petition from a
 5 committed person without the director's approval, the court shall:

6 (1) review the petition; and

7 (2) determine if the petition is based upon frivolous grounds,
 8 and if so shall deny the petition without a hearing;

9 whenever possible.

10 Sec. 29. The director of the division of mental health is
 11 responsible for all costs relating to the evaluation and treatment of
 12 persons committed to the division's custody under this chapter.

13 Sec. 30. (a) In addition to any other information required to be
 14 released under this chapter, before the release of a person
 15 committed under this chapter, the director of the division of mental
 16 health shall give written notice of the person's release:

17 (1) to any victim of the person's activities or crime who is
 18 alive and whose address is known to the director; or

19 (2) if a victim of the person's activities or crime is deceased, to
 20 the victim's family, if the family's address is known to the
 21 director.

22 (b) Failure to notify is not a reason for postponement of release.
 23 This section does not create a cause of action against the state or an
 24 employee of the state acting within the scope of the employee's
 25 employment as a result of the failure to notify under this section.

26 Sec. 31. (a) To protect the public, relevant information and
 27 records that are otherwise confidential or privileged must be
 28 released to the agency with jurisdiction or to the attorney general
 29 for the purpose of:

30 (1) meeting the notice requirement under section 7 of this
 31 chapter; and

32 (2) determining whether a person is or continues to be a
 33 sexually violent predator.

34 (b) This section is supplemental to the other provisions of this
 35 chapter.

36 Sec. 32. Any of the following items that have been submitted to
 37 a court or admitted into evidence under this chapter are part of the
 38 record but must be sealed and may be opened only upon order of
 39 the court:

40 (1) Psychological reports.

41 (2) Drug and alcohol reports.

42 (3) Treatment records.



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1 **(4) Reports of the diagnostic center.**

2 **(5) Medical records.**

3 **(6) Victim impact statements.**

4 SECTION 2. [EFFECTIVE UPON PASSAGE] **IC 12-26-17, as**
5 **added by this act, applies to a person who may be a sexually violent**
6 **predator and is scheduled to be released from confinement after**
7 **August 31, 1998.**

8 SECTION 3. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senators Dempsey, Jackman, Johnson, Landske, Lawson, Lubbers, Craycraft, Miller, Riegsecker, Skillman, Waterman, Weatherwax and Wyss be added as coauthors of Senate Bill 98.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "JULY 1, 1998]" and insert "UPON PASSAGE]".

Page 2, line 11, after "**molesting**" insert "**as a Class A or Class B felony**".

Page 2, line 26, delete "eighty days (180)" and insert "**twenty (120) days**".

Page 2, line 31, delete "eighty (180) days" and insert "**twenty (120) days**".

Page 3, delete lines 5 through 8.

Page 5, delete lines 2 through 5.

Page 5, line 6, delete "(4)" and insert "(3)".

Page 5, line 9, delete "(5)" and insert "(4)".

Page 5, line 17, after "10" insert "**of this chapter**".

Page 6, line 32, after "of" insert "**the**".

Page 8, line 8, after "health." insert "**The division of mental health shall develop a plan for the treatment and care of the defendant. The plan must provide for treatment that is likely to change the person's mental abnormality to the extent that the person is not likely to commit predatory acts of sexual violence. The division of mental health shall provide for treatment and care in conformity with the plan developed under this section. The division of mental health shall at least annually review and revise, as appropriate, the plan of treatment and care for a defendant.**".

Page 9, line 21, delete "The notice must contain a waiver of".

Page 9, line 22, delete "rights."

Page 9, line 22, delete "and waiver form".

Page 12, after line 3, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] IC 12-26-17, as added by this act, applies to a person who may be a sexually violent predator and is scheduled to be released from confinement after August 31, 1998.

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SECTION 3. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to Senate Bill 98 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 2.

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