



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

2021 FEB 22 AM 11:11
COUNTY OF SAN DIEGO
CLERK OF SUPERVISORS

DATE: March 2, 2021

02

TO: Board of Supervisors

SUBJECT

SUPPORT FOR SENATE BILL 248 – OPEN COURT PROCEEDINGS FOR SEXUALLY VIOLENT PREDATORS (DISTRICTS: ALL)

OVERVIEW

On March 24, 2020, the Board of Supervisors adopted a support position on Senate Bill (SB) 1023 (Bates), legislation that would have required most proceedings for the civil commitment of a sexually violent predator (SVP) to be conducted in open court. Because of the onset of the COVID-19 pandemic and the resulting shift in bill prioritization by the State Legislature, action on this legislation was suspended last year. The author of this bill recently introduced similar legislation, SB 248, to again require most proceedings for the civil commitment of an SVP to be conducted in open court. In addition, SB 248 would close an existing loophole by ensuring SVPs return to a state hospital to continue serving their original sentence after their prison terms for new crimes have been completed.

Approval of this item would add the Board of Supervisor's support for SB 248 to that of the San Diego County District Attorney and direct the County's state legislative advocates to take any necessary actions to assist in the enactment of this legislation.

RECOMMENDATION(S)

SUPERVISOR JOEL ANDERSON AND DISTRICT ATTORNEY SUMMER STEPHAN

1. Direct the Chief Administrative Office to express the County's support for State Senate Bill 248 to the State Legislature consistent with Board Policy M2.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

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ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On January 22, 2021, Senator Patricia Bates introduced legislation (SB 248) in partnership with San Diego County District Attorney Summer Stephan to extend the presumption of openness that exists in California courtrooms to proceedings under the Sexually Violent Predator Act.

Although they initiated a similar effort last year, additional legislative action on this bill was suspended as a result of the State Legislature’s focus on addressing the COVID-19 pandemic. The County can again voice its support for this important legislation by adopting a position of support on SB 248, similar to the action taken last year in support of SB 1023.

Senate Bill 248 would require that most proceedings for the civil commitment of an SVP and subsequent hearings regarding their potential release be transparent, conducted in open court and on the record. This would ensure that victims could be present at sexually violent predator court hearings.

Victims of sexually violent predators experience enormous physical, mental, and emotional trauma and we must call on the State Legislature to enact laws that put victims first and support their ability to be heard at court hearings. SB 248 would ensure that victims of sexually violent predators are legally permitted to confront their assailants and share their testimonies in a public forum - actions that will help them to begin the healing process.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

By adopting a position of support for State Senate Bill 248, legislation assisting victims of sexually violent predators, this proposed action supports the Living Safely Strategic Initiative in the County of San Diego’s 2019-2024 Strategic Plan.

Respectfully submitted,



JOEL ANDERSON
Supervisor, Second District



SUMMER STEPHAN
District Attorney

ATTACHMENT(S)

N/A

**SUBJECT: SUPPORT FOR SENATE BILL 248 – OPEN COURT PROCEEDINGS
FOR SEXUALLY VIOLENT PREDATORS (DISTRICTS: ALL)**

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**
N/A

ORIGINATING DEPARTMENT: Board of Supervisors, District 2

OTHER CONCURRENCE(S): District Attorney

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