

STATE/CODE	Commitment Eligibility	Standard of Future Dangerousness	Jury Trial	Authority to Request Jury	Burden of Proof	Treatment Following Commitment
<b>ARIZONA</b> 36-3701 et seq.	Convicted, found guilty but insane, or incompetent to stand trial for a sexually violent offense. Must be at least 18 years of age.	Mental disorder that makes the person <i>likely</i> to engage in acts of sexual violence	Yes	Either party	Beyond a reasonable doubt	Placed in custody of Dept. of Health Services. If appropriate, judge may grant conditional release to a less restrictive alternative.
<b>CALIFORNIA</b> W&I, 6600 et seq.	Convicted of a sexually violent offense against two or more victims for which person has received determinate prison sentence.	Mental disorder that makes the person a danger to the health and safety of others in that the person <i>will engage</i> in sexually violent criminal behavior.	Yes, Unanimous	Either party	Beyond a reasonable doubt	Confinement in secure facility up to two years. Person can petition for conditional release or discharge; hearing may be held after one year.
<b>FLORIDA</b> 394.910 et seq.	Convicted, adjudicated delinquent, or adjudicated not guilty by reason of insanity for a sexually violent offense.	Mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.	Yes, Unanimous	Either party	Clear and convincing evidence	Committed to the custody of the Department of Children and Family Services for control, care, and treatment until the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large.
<b>ILLINOIS</b> 725 ILCS 207/1 et seq.	Convicted, adjudicated delinquent, or found not guilty by reason of insanity for a sexually violent offense.	Dangerous because the person suffers from a disorder that makes it <i>substantially probable</i> that the person will engage in acts of sexual violence.	Yes, Unanimous	Either party	Beyond a reasonable doubt	Least restrictive manner appropriate. Judge has discretion to order institutional care in a secure facility or conditional release with necessary treatment and services.
<b>IOWA</b> 229.A1 et seq.	Convicted, found not guilty by reason of insanity, or found incompetent to stand trial for a sexually violent offense.	Mental abnormality that makes the person <i>likely</i> to engage in predatory acts constituting sexually violent offenses if not confined in a secure facility. <sup>iii</sup>	Yes, Unanimous	Either party or judge	Beyond a reasonable doubt.	Committed to custody of Dept. of Human Services for placement as inpatient. Right to petition for discharge or transitional release at annual review.
<b>KANSAS</b> 59-29a01 et seq.	Convicted, found incompetent to stand trial, or found not guilty by reason of insanity for a sexually violent offense.	Mental abnormality or personal disorder which makes the person <i>likely</i> to engage in repeat acts of sexual violence. <sup>i</sup>	Yes, Unanimous	Either party or judge	Beyond a reasonable doubt	Committed to custody of Secretary of Social and Rehabilitation Services for placement in a secure facility. Right to petition for discharge at annual review.
<b>MASSACHUSETTS</b> Part I, Title XVII, Chap. 123A, § 1 et seq.	Convicted, adjudicated delinquent, or found incompetent to stand trial for a sexual offense.	Mental abnormality or personality disorder that makes person <i>likely</i> to engage in sexual offenses again if not confined to a secure facility. <sup>i</sup>	Yes, Unanimous	Automatically by jury unless person subject of petition affirmatively waives	Beyond a reasonable doubt	Committed to treatment center. May apply for community access program after criminal sentence has expired, but still requires residence at treatment center until discharge.

**Involuntary Civil Commitment of Sexually Violent Predators**

(Current through July 20, 2005)

<b>STATE/CODE</b>	<b>Commitment Eligibility</b>	<b>Standard of Future Dangerousness</b>	<b>Jury Trial</b>	<b>Authority to Request Jury</b>	<b>Burden of Proof</b>	<b>Treatment Following Commitment</b>
<b>MINNESOTA</b> 253B.01 et seq.	Engaged in a course of harmful sexual conduct that creates a substantial likelihood of serious physical or emotional harm to victims.	Manifests a sexual, personality, or mental disorder; is <i>likely</i> to engage in acts of harmful sexual conduct.	No	N/a	Clear and convincing	Least restrictive treatment program that can meet person's and society's needs.
<b>MISSOURI</b> 632.480 et seq.	Pled guilty, found guilty, or found not guilty by reason of mental disease of a sexually violent offense or has been committed as a sexual psychopath.	Mental abnormality which makes the person <i>more likely than not</i> to engage in predatory acts of sexual violence. <sup>iii</sup>	Yes, Unanimous	Either party or judge	Beyond a reasonable doubt	Committed to the custody of the director of the department of mental health for control, care and treatment. Right to petition for release at annual review.
<b>NEW JERSEY</b> 30:4-27.24 et seq.	Convicted, adjudicated delinquent, found not guilty by reason of insanity, or found incompetent to stand trial for commission of a sexually violent offense. Must be 18 years old.	Mental abnormality or personality disorder that makes the person <i>likely</i> to engage in acts of sexual violence. <sup>i</sup>	No	N/a	Clear and convincing	Involuntary commitment to a designated facility. Dept. of Human Services can recommend conditional discharge if likely to comply with treatment plan, but order is at discretion of court.
<b>NORTH DAKOTA</b> 25.03-3.01 et seq.	Shown to have engaged in sexually predatory conduct.	Sexual disorder, a personality disorder, or other mental disorder or dysfunction that makes the person <i>likely</i> to engage in further acts of sexually predatory conduct. <sup>iii</sup>	No	N/a	Clear and convincing	Committed to custody of Executive Director from Dept. of Human Services. Director assigns least restrictive treatment facility or program necessary.
<b>SOUTH CAROLINA</b> 44-48-10 et seq.	Convicted of, found incompetent to stand trial, found not guilty by reason of insanity, or guilty but mentally ill of a sexually violent offense. Includes children under 17 years of age.	Mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.	Yes, Unanimous	Either party	Beyond a reasonable doubt	Committed to custody of Dept. of Mental Health as in-patient in a secure facility. Right to petition for release at annual review.
<b>TEXAS</b> Health & Safety, 841.001 et seq.	Repeat sexually violent offender serving determinate sentence.	Behavioral abnormality that makes the person <i>likely</i> to engage in a predatory act of sexual violence. <sup>iv</sup>	Yes, Unanimous	Either party	Beyond a reasonable doubt	Out-patient treatment and supervision.
<b>VIRGINIA</b> 37.2-900 et seq. (Effective October 1, 2005)	Convicted of a sexually violent offense, or unrestorably incompetent to stand trial.	Mental abnormality or personality disorder, finds it difficult to control his predatory behavior which makes him likely to engage in sexually violent acts.	Yes, Unanimous	Either party	Clear and convincing evidence.	In-patient confinement in secure facility, unless less restrictive conditional release is appropriate.

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<b>WASHINGTON</b> 71.09.010 et seq.	Convicted of or charged with a crime of sexual violence.	Mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.	Yes, Unanimous	Either party or judge	Beyond a reasonable doubt	Committed to custody of Dept. of Social and Health Services for placement in a secure facility. Court can order less restrictive alternative placement only after a hearing following the initial commitment.
<b>WISCONSIN</b> 980.01 et seq.	Convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness.	Mental disorder that makes it likely that the person will engage in acts of sexual violence.	Yes, Unanimous	Either party	Beyond a reasonable doubt	Committed to the custody of the department for control, care and treatment until such time as the person is no longer a sexually violent person.

<sup>i</sup> “Likely” means more likely than not.

<sup>ii</sup> “Predatory acts” means directed toward a person with whom a relationship has been established or promoted for the primary purpose of victimization.

<sup>iii</sup> “Sexually predatory conduct” is that in which the person engages in or attempts to engage in sexual contact where the victim is compelled by force or cannot agree to or understand contact (based on circumstances, age, disability).

<sup>iv</sup> “Predatory act” is one committed for purposes of victimization, and directed toward a stranger, casual acquaintance, or person with whom relationship was established or promoted for purpose of victimization.