



Legislation Text

File #: Res 1983-2001, **Version:** *

Res. No. 1983

Resolution calling on the New York State Legislature to adopt legislation providing for the civil commitment of sexually violent predators.

By Council Members Oddo, Eisland, Fisher, Nelson, Warden and Abel; also Council Members Harrison and Golden

Whereas, The United States Supreme Court has repeatedly upheld the constitutionality of statutes permitting the involuntary civil commitment of dangerous persons who are mentally ill, including the right of a state to confine and treat violent sex offenders after the offenders serve their criminal sentences; and

Whereas, Eleven states - Arizona, California, Delaware, Illinois, Kansas, Minnesota, Missouri, New Jersey, North Dakota, Washington, and Wisconsin - have passed laws authorizing the civil commitment of sexually violent predators and have shown courage and leadership on this issue; and

Whereas, Numerous studies have clearly shown that the recidivism rate of violent sexual predators is extremely high and that the prognosis for rehabilitating this population is very low; a 1998 study in the Journal of Behavioral Sciences and the Law, for example, found the recidivism rate of sexual offenders to be 52 percent; and

Whereas, A small but extremely dangerous group of sexually violent predators that are likely to reoffend exists in New York State; these sexually violent predators have mental abnormalities that render them likely to engage in repeated acts of sexual violence requiring long-term treatment and, in addition, treatment modalities for existing involuntary commitments are inadequate to address this group's risk to reoffend; and

Whereas, Under current law, these predators are released into the community upon the expiration of their sentences without the benefit of treatment or care designed to address their unique treatment needs, and a civil confinement law would provide for such treatment at secure facilities and simultaneously serve to protect the public; and

Whereas, The New York State Senate has been passing sexually violent predator civil confinement bills since 1997, but the State Assembly has failed to pass such a bill; on June 5, 2001, the Senate unanimously passed this session's version of the bill and the Governor has stated his commitment to sign such a bill if it passes the whole Legislature; and

Whereas, The Assembly version of this bill - A3092 - is currently sitting inactive before the Assembly Committee on Mental Health; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to adopt legislation providing for the civil commitment of sexually violent predators.