



Legislation Text

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Res. No. 976-A

Resolution calling upon the New York State Legislature to adopt legislation that provides for the civil commitment of sexually violent predators to protect the public from those whose mental abnormalities makes them likely to commit sexually violent crimes.

By Council Members Oddo, Gallagher, Avella, Nelson, Comrie, Gennaro, Gentile, Gonzalez, McMahon, Recchia Jr., Vallone Jr., Katz, Lanza, Liu and Weprin

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

Whereas, To protect the public from sexually violent predators and to provide treatment to this unique, but dangerous group of offenders, several states have passed laws authorizing the civil commitment of sexually violent predators at the expiration of their criminal sentences; these states are Kansas, Arizona, California, Florida, Illinois, Iowa, Massachusetts, Missouri, Minnesota, New Jersey, North Dakota, South Carolina, Texas, Virginia, Washington, and Wisconsin; and

Whereas, Numerous studies demonstrate that the recidivism rate of violent sexual predators is extremely high and that the prognosis for rehabilitating this population is very low; according to a recent report from the New York State Department of Correctional Services, for the period from 1986 through 1995, approximately 49 percent of sex offenders who were released from New York prisons in 1986 were returned to prison for a violation of parole or for committing a new crime; and

Whereas, Further, according to the United States Department of Justice, from 1980 to 1994 the number of sex offenders incarcerated in state prisons increased from 20,500 to 88,100; additionally, a 1991 survey of incarcerated sex offenders indicates that approximately two-thirds of the sex offenders committed crimes

against children under age 18 and approximately 58 percent committed crimes against children under age 13;
and

Whereas, A small but extremely dangerous group of sexually violent predators that are likely to reoffend exist 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; now, therefore, be it

Resolved, That the Council of the city of New York calls on the New York State Legislature to adopt legislation that provides for the civil commitment of sexually violent predators to protect the public from those whose mental abnormalities makes them likely to commit sexually violent crimes.